

Rio Dell City hall
675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532
riodellcity.com



December 3, 2013

TO: Honorable Mayor and City Council Members
FROM: Jim Stretch, City Manager
SUBJECT: Direction on City Manager Recruitment

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Provide the City Manager direction as to the recruitment of a replacement Rio Dell City Manager, including the possible retention of a professional recruiter.

BACKGROUND AND DISCUSSION

Basic information on this topic is attached, but time constraints have not allowed for a full narrative presentation. Hopefully, this information will assist the Council in giving staff direction.

At the November 7, 2013 meeting there was a staff report and ensuing discussion with the Council about the recruitment of a new City Manager (CM), effective May, 21, 2014 when he plans to retire. It was noted that the recruitment process typically takes about 6 months from beginning to end and that if the CM was to conduct that recruitment, a number of projects on his work plan would not be completed. The question that emerged was whether to removed projects from the work plan and have the CM conduct the recruitment in-house or have the CM stay focused on the work plan and hire a professional recruiter to handle the recruitment.

WORK PLAN

The 2013-2014 work plan for the City Manager was approved by the City Council on May 7, 2013 and is attached for your information. As you may recall, there was approximately 290 hours that could be allocated for special projects listed in priority order one through ten. The present status of work on each project is noted on the work plan. It is noteworthy that only 2 of the 10 special projects have been completed and 4 projects are somewhere in mid-process.

Also enclosed as a list of projects undertaken in the first 6 months of the fiscal year that were unexpected. Not until this review did it become apparent that these priority items have required 203 hours of time over the last 5 months and an additional 159 hours is project to bring them to completion over the next 6 months.

The combination of priority items on the planned and unplanned lists (**in bold**) total 532 hours for the next 6 months, but only approximately 406 hours are available. The time required for the current City Manager to handle the recruitment of the replacement City Manager is simply unavailable.

Included in the packet under the heading of "Recruitment Strategy and Services Provided" is an outline from Avery Associates who was kind enough to share their approach for the recruitment of professional level candidates. They are presently recruiting a number of City Managers for other agencies in various parts of the state. Two other professional recruiters were contacted, but have not responded as of the date of this writing.

I have not had the benefit of working with this firm, but their approach appears to be quite complete. Based on the services provided in the outline, their fee is \$17,900, plus out-of-pocket expenses not to exceed \$7,000. In addition to this expense will be the cost for candidate reimbursements for travel and lodging and the cost of the background investigation; both are funded in the City budget at \$17,500.

Once other professional recruiting firms respond, the Council may want to interview 2 or 3 before making a decision.

After this brief analysis it appears that there are too many important projects underway by the City Manager that cannot be tabled without producing significant consequences. However, the Council in its review may respectfully come to a different conclusion, and we can have that discussion.

As an aside and as a matter of strategy, the City Manager should get the Finance Director underway at once, followed by the CM recruitment once a recruiting firm has been selected.

**CITY MANAGER WORK TASKS
STATUS REPORT
2013-14**

The City Manager works $\frac{3}{4}$ time and has 1,560 gross hours available for the fiscal year. Subtract from that amount 248 hours for vacation (120 hrs.), sick leave (16 hrs.), training (16 hrs.) and holidays (96 hrs.) for a net of 1,312 hours available.

Net hours available in fiscal year 1,312

ESTIMATED DAILY, WEEKLY, MONTHLY REQUIREMENTS

	<u>Estimated Hours</u>
1. Public meetings (24 regular & 12 special)	84
2. Agenda preparation (2 hours/meeting)	168
3. Meeting with staff/problem solving	250
4. Consulting with contractors/engineers/attorney	150
4. Processing claims	40
5. Consulting with City Council/public	160
6. Emails with associations/colleagues	40
7. Preparing required reports/PRA's	60
8. MBWA	10
9. Budget preparation	40
10. Preparation of bids & advertising projects	<u>30</u>
Estimated hours	1,032

Estimated hours available for special projects 280

SPECIAL PROJECT LIST BY PRIORITY

1. Update City Hazard Mitigation Plan with countywide task force Comment- Completed—took 40 hours.	10
2. Develop Capital Improvement Plan (CIP) for Council approval Comment- An outline of a plan was been developed and various elements of the plan have been included as policy items in the 2013-14 budget and funded.	60
3. Work with Architect and City Council on City Hall improvements	40

Comment- This is a priority project that needs CM attention

4. Review and recommend further amendments to Employee Handbook	20
Comment-The Handbook contain personnel rules and is a priority for completion.	
5. Prepare new business license ordinance and administrative fees	60
Comment-The Business License Ordinance is out of date and should be completed—85% of work completed..	
6. Develop policy for Council Member travel and expenditures	8
Comment-Less of a priority and probably cannot be completed.	
7. Review & recommend City travel and reimbursement policy	10
Comment- Less of a priority.	
8. Inventory and prepare recommendation for the sale of surplus City properties	50
Comment- Working on surplus (4) Water Fund property appraisals underway—Monument Springs issues have languished for decades and need to be settled.	
9. Review budget planning module & process	15
Comment-Important, but a project for 2014-15.	
10. Humboldt Waste Management Authority JPA agreement and questions	<u>20</u>
Comment- Completed	
<u>Total estimated hours of special projects listed</u>	<u>293</u>

***BOLD ITEMS 3, 4, 5 & 8 ARE PRIORITY FOR NEXT 6 MONTHS.**

**CITY MANAGER PROJECTS
NOT ON 2013-14 WORK PLAN THAT
 OCCURRED IN LAST 6 MONTHS**

PROJECTS	HRS. TO DATE	FUTURE HRS.
1. Infiltration gallery issue and coordination	30	30
2. Monument Springs Property access/ water rights and sale	25	30
3. CalPers retirement/actuarial evaluation	4	25
4. CPS total compensation study	4	15
5. Administration of Wildwood Ave project	40	1
6. Hazard Mitigation Plan	30	0
7. Cal Recycle Programs	35	5
8. Purchase of City vehicles	20	1
9. Grant applications (3)	10	2
10. Meet and Confer with contract employees and Employee's organizations	1	20
11. Property exchange with school district	2	10
12. Eel River issues	2	5
13. Finance Director recruitment	0	15
Total hours	203	159

***PROJECTS IN BOLD ARE PRIORITY**

Recruitment Strategy and Services Provided

I. Position Profile and Organizational Assessment

The initial assessment phase is a critical component of the search process. Mr. Kimura will meet with the key decision makers to discuss the organizational needs and position requirements and to formalize the job description.

In this assignment we would anticipate Mr. Kimura having individual meetings with the Town Council and with key staff members to solicit their views on the ideal candidate. If desired, the team would also meet with community groups and key stakeholders identified by the Town. Community/stakeholder input can occur in several ways. Most of our clients utilize either one or a combination of the following approaches: (1) Creation of an online survey that is accessible to the public through the Town's website; (2) Convening a community meeting to solicit input on the ideal qualifications and attributes for the town manager; (3) Council identifies representatives from the community who would then be contacted and "interviewed" by the consulting firm; or (4) Creation of a link from the Town's website to an Avery email box for forwarding direct input.

Our goal for this aspect of the recruitment process is to:

- Understand the Town priorities for this position.
- Develop a clear understanding and consensus on the expertise, experience, education, performance attributes and operational style of the ideal candidate.
- Discuss the goals, objectives, deliverables, and challenges related to this position.
- Gain insight of the various organizational dynamics and departmental issues that exist within the organization.
- Identify the compelling aspects to this opportunity.

The formal position description and a subsequent ideal candidate profile would be developed from the above discussions and incorporated into the formal position announcement. The candidate profile is also utilized in various other means as a marketing tool, for advertising copy, postings, and for other announcements.

II. Development of the Search Strategy

Our search strategy will be developed in conjunction with the organizational assessment. The final approach is based on your input and considerations during the assessment



activity. For this assignment, we feel it is critical to develop a high level of visibility with a comprehensive outreach program supplemented by a focused targeted recruitment approach. It is our experience that despite extensive mailing, postings and announcements, many qualified individuals will not know of a position being available. We would incorporate the following elements into this search:

- Development of a targeted candidate list based on our extensive database of key executive contacts, referrals and recommendations from key sources, and other current and former City Management personnel who have extensive contacts and networks in this area.
- Direct outreach and contact to various city managers and city/county executives who could be viable candidates for the position. This allows us to contact and market the position to potential candidates that are not actively seeking new opportunities. This aspect of outreach is essential to the success of the recruitment as many times, the successful candidate is not looking for another opportunity or is not aware the opportunity exists. Our role is to actively and aggressively, yet professionally, identify and contact individuals that meet the position specifications.
- To ensure we create as much visibility to the position as possible. This includes an extensive mailing campaign to current city managers in the state and where possible utilizing email blasts to city management membership. Additionally, we would utilize Internet posting on sites such as the ICMA, Western City and other appropriate online sites. We would also use print advertising the ICMA newsletter, Jobs Available and if turn around time allows for it, Western City magazine.

III. Candidate Assessment

Our assessment process involves several “tiers” of evaluation. All candidates responding to this position will initially be evaluated based on their resume and if appropriate, an extensive phone “screening” by a member of the project team. Candidates who pass the initial “qualifying” criteria are then scheduled for a formal interview with Mr. Kimura. These extended personal interviews typically take one hour and a thorough discussion of their experience, accomplishments, management philosophy and interpersonal style takes place.

In interviewing candidates, we utilize a methodology based on “behavioral” interview techniques. Fundamentally, this approach explores a candidate’s past accomplishments and experiences that relate to the position being considered. The philosophy here is that the best indicator of future performance is to evaluate past behavior. This methodology allows the firm to “project” how a candidate would approach and address the key challenges in the new position.

Those individuals who best fit the position requirements will have a Candidate Assessment Report developed by the Principal who conducted the interview.



Additionally, two initial reference interviews are performed on these candidates. The reference interviews provide our clients with additional insights on the candidate's "behavior" and style.

IV. Candidate Presentation

Upon completion of formal interviews, a selection of candidates for presentation is made. We feel our extensive qualification, interview, and reference interviewing process and the knowledge gained during our initial assessment period; enable our client to proceed with fewer rather than more finalists. However, we will not restrict or limit the number of candidates recommended as this decision is related to the overall strength and depth of the candidate pool.

The final candidates are presented in our extensive candidate presentation "book". Each finalist will have a file consisting of a candidate summary sheet, the submitted cover letter and resume, the Candidate Assessment Report (based on the "behavioral" interview), and two candidate reference interviews. This extensive profile on each recommended candidate continually generates positive feedback from our clients as it provides extensive detail beyond just a resume.

The Candidate book also identifies other candidates who were given secondary consideration, which provides the client insight on others who were interviewed. Candidate summary sheets are created for everyone who submitted a resume would also be included. This provides the client an insight to the level and nature of response for their position.

V. Selection Process

Once the final candidate interview group is identified, we will assist in the structuring of the interview process and coordinate the interview scheduling activity. Our firm will also provide candidates with guidance related to travel planning, hotel accommodations, as well as other interview planning issues. Our firm will also develop potential interview questions and be in attendance during final interviews to help facilitate the process and to lead an end of day debrief and evaluation process.

Upon request, our firm will also arrange for summary background evaluations on the Town's final one or two candidates. A copy of these confidential reports can be provided for you. The costs for these investigations are considered independent of the recruitment expenses listed below and will be invoiced separately.

VI. Position Closure and Follow-Up

Based on the firm's experience in human resource management and executive search, we are able to assist our clients in formulating appropriate compensation and other employment arrangements. We will be available throughout our retention to assist in this process.



As a matter of policy, Avery Associates monitors the transition and progress of any executive we place with a client. Within the first three to six months following the hired individual joining the Town, we will speak with that individual to ensure the transition has effectively occurred. During the same period we will also review the individual's status with your office.

Consulting Fee

Based on the services described in our proposal, the professional services consulting fee for this recruitment will be \$17,900. If awarded the search, we would request an initial retainer of \$6,900 at the outset of the search. A second invoice of \$5,500 would be submitted upon the Clients acceptance of a finalist candidate group. The final balance of \$5,500 would be invoiced upon acceptance of a job offer constituting completion of the search. Our invoicing models ensures the firm will remain totally committed to the Town throughout the duration of the search as the final invoice is not submitted until the Town has an accepted candidate. The consulting fee will be inclusive of all services defined within this proposal unless otherwise stated.

In addition to the Professional Services Fee, normal and direct out-of-pocket expenses associated with the search are charged back to the client. Expenses for this assignment would be a not-to-exceed amount of \$7,000 without the express consent of the Town. These expenses include: advertising, clerical time, supplies, printing, telephone, postage, summary background evaluations, and consultant travel for client discussions, meetings and local or out-of-area candidate interviews. All expense items will be detailed and billed on a monthly basis.



Guarantees and Ethics

Whenever William Avery & Associates, Inc. is retained; we make several guarantees and commitments to a client. Due to our experience, knowledge and success within the management-consulting field, we assure a client that we will only present candidates who meet a substantial majority of the ideal qualifications that you have outlined. We are also committed to continue our search efforts until a successful candidate is employed.

During our placement efforts, we openly share any relationships, previous experience and knowledge for any candidate we present for consideration. Our commitment and responsibility is to our clients and their best interests.

It is also our practice to replace a candidate who may voluntarily resign during the first year of his/her employment. This same commitment applies if the client finds it necessary to terminate or to request the resignation of the selected individual in the first year for reasons which would have precluded his/her employment had they been known at the time employment started. In either case, we invoice a client only for out-of-pocket expenses incurred in identifying a replacement.



Avery Profile

William Avery

William Avery founded his successful management consulting firm in 1981. He has directed William Avery & Associates in service as a Labor Relations and Executive Search consultancy, serving personally as a chief negotiator, trainer, and representative in grievance and disciplinary matters.

A specialist and widely recognized expert in employer-employee relations, he has served as a City Manager (Los Gatos) and Assistant City Manager. While City Manager, he was President of the Santa Clara County City Manager's Association and Chair of the County Employee Relations Service.

Bill has lectured at De Anza College, San Jose State University, and Stanford University, and regularly makes presentations for the League of California Cities, CALPELRA, and other public sector organizations.

Building on his personal track record of success, he expanded the firm's focus to include increased emphasis on public and private sector search. He added proven industry professionals with expertise in these areas. The result has been to create an exceptionally strong management consulting firm, now known as Avery Associates, with the expertise to provide the full range of services required for successful public or private sector executive search.

A key measure of the firm's success has been the many long-term relationships that he and his staff have established with clients.

Bill holds B.A. in Political Science and an MPA from San Jose State University, where he was graduated with highest honors.



Avery Profile

Paul Kimura

Paul Kimura brings a unique combination of recruitment and business experience to Avery clients.

Paul is involved in leading Avery's public sector professional searches. He has been both a corporate recruitment director and HR director for a number of high technology companies, ranging from Fortune 500 firms such as Novell and National Semiconductor to a Silicon Valley start-up. His proven recruitment and HR generalist skills help him bring forward the best available candidates and properly assess their skills and "fit" with client organizations.

Indeed, many of the recruitment strategies and tactics incorporated into the Avery search process are a direct result of Paul's extensive recruitment experience in the high technology industry.

Paul has been a successful HR consultant, guiding clients through all aspects of Human Resources functions — compensation & benefits, employee and management training, performance management, and termination issues.

He is skilled in areas such as strategic planning, executive coaching, separation negotiation, and organizational assessment and design. It's another service that Avery Associates is able to offer its clients because of the unique background of its principals — and Paul's extended skill set in Human Resources underscores the fact that Avery professionals "have been there" and understand your needs from a personal perspective.

Paul holds a B.S. degree in Business Administration from San Jose State University. He is active in professional HR organizations and in the community, where he has worked with a number of education, youth service, civic, business, and cultural organizations.

"Just as Avery looks to form long-lasting relationships with its clients, I believe in making the same commitments within my community."



675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



To: Honorable Mayor and Members of the City Council
Through: Jim Stretch, City Manager
From: Graham Hill, Chief of Police
Date: December 3rd, 2013
Subject: Parking Enforcement

Action

1. Authorize the Chief of Police to execute a contract with the Phoenix Information Services Group for parking citation processing services.

Background

Based on discussions with the City Manager and concerns expressed by members of the community and members of the City Council the Police Department will taking a significantly more proactive approach to enforcing local parking laws. Historically the department has not been proactive in this area and has enforced parking on a purely reactionary basis. While some citations have been issued over the years, the collection of fines has been sporadic and ineffective in most cases. The process to have fines attached to vehicle registration through DMV has not been completed and therefore we have little recourse for non-payment.

I have been researching local parking enforcement programs by reviewing policy and practice of other local agencies. Three local agencies use the services of the Phoenix Information Services Group located in California. The attached information explains in detail how the relationship between parking enforcement agencies and that company works. Essentially they process the citation, collect fees, and handle disputes for a monthly fee coupled with retaining a portion of the fine. The monthly fee is \$136.00. This fee constitutes approximately seven parking citations over a 30 day period (depending on the amount of the fine associated with the violation). There are minimally 56 work shifts in a thirty day period so it seems reasonable that enough violations would be addressed to cover the fees required to retain the services of Phoenix Information Services Group. It is likely that significantly more than seven violations will be observed and citations issued, although our goal would ultimately be compliance.

The services provided by the contractor with the associated equipment will reduce staff time significantly in processing parking citations, especially considering we no longer have a full time records person. It will also increase the recovery of costs associated with parking enforcement and provide conveniences for the violator that are not currently available (including a web based interface, and credit card payment).

The relationship with the contractor requires 60 days by either party in order to sever the contract which means we are not trapped in a long term arrangement if compliance results in excessive costs to the city.

Budgetary Impact

At this time we are not seeking a budget amendment for this project and will evaluate whether or not that will be necessary prior to the end of the fiscal year depending on potential revenue.

- \$3,337.00 from Police Department Budget (Fiscal Year 2013-2014)
 - \$945.00 in monthly fees for the remainder of the fiscal year (December 2013 through June 2014).
 - \$1,892.43 for initial start up to purchase equipment, which includes the citation computer tablet, mobile printer, and associated software and accessories.
 - \$500.00 for technical support from Nylex to link the new equipment to our system. While this cost could be significantly less I have built in a cushion to accommodate any unforeseen issues that may be encountered during set up.

Recommendation

Approve actions as described

Attachments

Proposal for services from the Phoenix Information Services Group.



November 11, 2013

City of Rio Dell
Chief Graham Hill
hill@riodellcity.com

Re: Parking Services Citation Processing

Dear Chief Hill,

On behalf of Phoenix Group Information Systems, I am pleased to submit a proposal of services for our Parking Citation Program WINCITE.NET to the City of Rio Dell.

PHOENIX GROUP will provide (but are not limited to the) following services:

- a. Citation management software services, Hosted client server system, web-based application service,
- b. Citation Data Entry, manual and automated,
- c. Notice generation,
- d. Contested citation coordination, suspension and disposition,
- e. Payment processing, updating, including credit card payments on line and by telephone,
- f. Toll free violator inquiry,
- g. Customer Service,
- h. System reports, PDF and excel exports available,
- i. Real Time Local (City) inquiry capability,
- j. Data storage, data retention, and other data so required within the proposal specifications.

We are a California Corporation, located in Santa Ana at: 2677 North Main Street, Suite 400, Santa Ana, CA. Phone and fax numbers are: (714) 460-7200; fax (714) 384-0151 website: <http://www.phxgroup.com>. We have been in business for over 25 years, and employ 22 staff members.

Field

Summary of services:

1. Our qualifications, experience, and dedication have provided us with the highest recognition in our industry, including providing services like this to over 200 clients throughout California. .
2. Long successful track record known as a leader in customer service, customization, and reliability.
3. Remote support capability providing immediate training or troubleshooting.
4. Full .net technology
5. High closed collection rate for many clients as high as – 94 - 95%
6. Provide real time communication to verify DP Placard information.
7. Multiple users will have the ability for system access, with custom settings for limited or unlimited access. All user interface is tracked and maintained for integrity.

2677 N. Main Street, Suite 400, Santa Ana, CA 92507
Phone: (714) 460-7200 Fax: (714) 384-0151

8. Phoenix Group offers Cite Track to provide the City with citation and follow up capability. This helps to provide **the highest level of customer service opportunities**. **Cite Track will provide the ability to review** past calls, calendar follow up and include other staff members.
9. Our system is a true web-based program with full access to the parking citation data using only Internet Explorer and Adobe Reader to have total access to the data.
10. The system allow for unlimited users and custom security set up per user.

Processing features:

11. Daily payments and deposits are **100% verified before final deposit is made**. Daily emails also provide the City with immediate notification of deposited funds.
12. Online credit card processing, PCI Compliant, and real time updating, Visa, MC, Discover, AMEX.
13. Delinquent notices are mailed daily; holidays are tracked and by-passed as needed so a notice is never due on a holiday.
14. Superior banking deposit structure, ***including producing custom micr encoded deposit slips*** Copies of the actual deposit slip accessible over the Internet and/or emailed daily
15. Our IVR system is 24.7 and provides for credit card payments, and custom greeting messages, such as payment address.
16. Reports all have the ability to download to **Excel and PDF, sample reports provided in Section 4**. Past Reports are maintained in the system for a period not less than two years.
17. Custom AdHoc Reporting available, as well as daily reports that include, deposits, refund requests, and error reporting.
18. Enhanced public website for credit card payments and also **includes an interactive on-line contest program** for the public.
19. Custom letter program that will allow the remote users to select and edit text
20. Daily communications with our collection agency for immediate updates.
21. **Daily** boot file/hot sheet (scofflaw) reports, including immediate access to data via a smart phone.
22. Comprehensive collection enforcement services that include the use of license plate recognition (LPR) equipped vehicles to locate report and notice scofflaw vehicles (optional).
23. **Insurance included:** The evidence of insurance will additionally name and endorse the City. We will establish additional insurance as required within the bid specifications.

• General Liability \$1M with \$2M aggregate.	• Errors and Omissions \$1,000,000.00
• Automobile Liability \$1,000,000.00	• Commercial Crime Policy \$1,000,000.00
• Workmen's Compensation-Basic Requirements	• Transit Coverage \$25,000

Over the years we have excelled in system enhancements and ability to meet our client's needs by keeping ahead in our industry and also understanding legislation and keeping our clients updated. We are extremely proud of our program and hope our features and reputation will allow us to be considered when selecting the best service to perform citation processing for the city of Rio Dell.

Parking Citation Management System

CITATIONS

To begin the process with the City, PHOENIX GROUP will provide a daily import routine to collect the citations issued. Phoenix Group works with every ticket writer company in the California, so procedures are already in place. A daily email will be forwarded to notify the AGENCY to the success of the daily import file. In the event the City uses hard copy citations, Phoenix will *provide pre-numbered batch cards for tracking and controlling the citations sent to our office for processing*. All citations issued manually would then be directed to our office for data entry. To ensure we have received all citations, all batch cards are accounted for and verified with the customer if the numbering is out of sync. Any discrepancies will be research by our staff and the AGENCY would be notified.

After the citations are on the system, we immediately begin to communicate with the DMV as well as any state that would be applicable to obtain registered owner information.

DMV COMMUNICATIONS

Our WINCITE program will communicate with the DMV through a direct access program. We will request the registered owner information for the processing of the notices and placing and releasing DMV registration holds. The DMV will require the City to have a Parking Agency Reporting Code (PARC). This is a unique number issued to the City for placing and removing a registration hold. Phoenix Group will help the City set this up to get started. The PARC number is the number that is linked to the license plate for collections of the parking fines. PHOENIX will coordinate all contact between the City and DMV for the complete process.

Out-of-state DMV communications are via hard copy, magnetic tape, diskettes, or on-line. Each state is very different in their requirements and method of communications. In addition, each communication method is subject to change periodically, requiring constant monitoring and modification to maximize the impact of our efforts on collections.

NOTICE OF DELINQUENT PARKING NOTICE

Delinquent Notices are mailed daily. The delinquent notice is a clean and clear notice that includes a return portion for remittance with payment and return envelope. The delinquent notice will identify the original amount due for the violation issued. The late fees will be applicable after the citation is delinquent by 21 days. The notice will include both the original amount due from the citation and the delinquent amount. The delinquent notice will include all the information that was included on the citation (i.e., citation number, violation number, violation description) and consequences for nonpayment, and/or any additional information required by vehicle code.

The notice also provides the City with custom text for specific information, such as a phone number to call for questions or hours of operation. The delinquent notices will not threaten to affect credit, but will inform them of notification to the DMV to hold the vehicle's registration. The return address on the notice may be directed to the City or to our post office box in Santa Ana. The return address will also be the location where the payment should be mailed. The City will have the option to PRINT the notices locally if needed.

PAYMENTS

All citation payments will be made to the order of City of Rio Dell. The payments will be processed within the guidelines established between the City and PHOENIX. These procedures will include methods for processing late payments, bank returned checks, refunds, partial payments, etc. Payments would be made to the City, entered into Wincite, and deposited by the City. Payments are updated real time. There is no need to forward cash or checks to Phoenix Group for depositing.

Payments entered on-line will immediately be updated without any delays using our on-line remote program or on-line credit cards. Phoenix Group is able to return double payments prior to depositing, accept partial payments and stop payments due to phone notes or instructions requested by the City. Payments may also be made over the phone 24/7 using our Interactive Voice Response System.

CREDIT CARD PAYMENTS

Credit Card payments may be made by Phone (using Interactive Voice Response system 24/7) or by Web. The violator would call or connect to a secured site and enter the License Plate or Citation number. The system would access data real time to provide the caller with the amount due. The Violator could then decide to make the payment using their credit card, Discover, Master Card, Visa, or AMEX. The Secured site would verify the card with Verisign, approve the payment, and update the citation record. The violator is charged a convenience fee that is retained by Phoenix Group for processing and merchant fees. The violator is instructed on how much to pay for the citation and how much they are charged as a convenient fee. NO additional costs are passed on to the City.

BANK DEPOSITS

Mail is picked up from the Post Office daily and normally processed within 24 hours. The bank deposits are endorsed to the bank selected by the City. If a deposit is made to the Bank of America or Union Bank, they are made by courier and deposited daily to the main processing bank center or a local branch in the City of Santa Ana. If the bank account is not Bank of America or Union Bank, the City may need to make daily courier arrangements. The City only needs to supply our office with duplicate deposit slips and we are ready for business.

Our Deposit Entry System (DES) is a feature that helps automate the depositing process and provide our clients with deposit information on a daily basis. The DES process will provide our staff with endorsement capability for every check and preparation of the deposits and daily totals for deposit. As a control point, if the totals from our deposit endorsement process does not equal to the data entered into the system (WINCITE), the deposit is rejected by our system for attention and correction prior to leaving our office and going to the bank. After all balancing is complete and the deposits are sent to the bank, the DES will and automatically email the deposit to the City at the end of the day. This process will alert you to the deposit before the money arrives at the bank. Copies of the deposit are also available on line for later reference. We maintain all copies of deposits for a period not less than two years.

REMOTE DATA ENTRY

Remote Data entry is available using the Internet and Wincite at no additional charge. Each operator is set up with a unique log in and appropriate security, and then would set up for Wincite Access. It is possible to all the functions to be set as VIEW only. The following will identify the current features available.

Hardware Requirements: Hardware and Software to access the Wincite Parking Citation System are Windows XP or Windows 2000, Internet, Internet Explorer and Adobe.

<u>FUNCTION</u>	Provides Remote User with the ability to: (Security must be established for each operator, each function has an established security level).
1. Cite Summary (View only)	<i>A chronological list of actions by the date completed. This is available for every citation on file.</i>
2. Cite Facsimile (View only)	<i>A screen display of the citation data.</i>
3. Dismiss/ Void	<i>The ability to Void or Dismiss a citation. The system will keep track of all entries by operator. Reason Codes and note space is also provided.</i>
4. Extensions	<i>The ability to set up an extended due date for the citation. Notes and comments may be saved to detail the extension.</i>
5. Reviews	<i>The ability to set up a Review and the disposition of the Review. Reason codes are note space is provided. The Letter Correspondence will also "pop-up" for input.</i>
6. Hearings	<i>The ability to set up a hearing and the disposition of the hearing. If a payment has been collected, this function will require that you enter the payment prior to the disposition. Note space is provided. The Letter Correspondence will also "pop-up" for input.</i>
7. License	<i>The ability to edit/correct a license plate. Change to the license will automatically send a request to the DMV and generate another notice.</i>
8. Notices	<i>Access to the Notice information as mailed, may view and print.</i>
9. Payments	<i>Access to view all payment data for the citation.</i>

10. Add Payment	<i>This will give the ability to add a payment on line. The payment 'source' will default to "Paid At City". If entering a receipt paid at DMV, the operator would select "Paid At DMV".</i>
11. Registered Owner	<i>Access to add a 'New' name and address to the citation. The prior name and address will remain on file for reference. The new name and address will receive a notice of delinquent parking.</i>
12. Phone Notes	<i>All problem calls are noted in the system. When a phone note has been entered, the system will also alert the operator at the time of a payment to check for a phone note. The system screen will also display a phone "Icon" to let the operator know there has been correspondence. Phone notes may be entered by both Phoenix Group and the City.</i>
13. Promissory Note	<i>This will allow you to set up a promissory plan, or payment plan. The cite will remain suspended until the reactive date. If the cite is not paid or closed by that date, the cite will automatically reopen. Note space is also provided</i>
14. Violation	<i>The ability to add a second or third violation to the citation. This will also provide the ability to dismiss or void a violation already on file.</i>
15. Letters	<i>This will provide a listing of all letters mailed to the violator, such as NSF letter, Hearing set up, etc. The letter may be viewed remotely as well as printed.</i>
16. Fees	<i>Add or reduce fees. This feature will allow the customer to add or reduce fees.</i>
17. Notices	<i>Notices will provide the feature to view, and print a previously mailed delinquent notice.</i>
18. Search	<i>Provides the ability to search by Citation number, License number, Name and/or VIN number. Also provides a list of open tickets, and a printable report suitable for the public.</i>

TOLL FREE - CUSTOMER SUPPORT

PHOENIX GROUP will assist in responding to all inquires and initial complaints regarding the status or disposition of a citation. Customer Service for Citizens is available from 8:00 a.m. – 5:00 p.m. daily, excluding weekends and holidays. However PHOENIX GROUP will provide assistance whenever possible to the violator for all inquires, through the use of our Interactive Voice Response System (IVR). Telephone Response Inquires is available 24/7. Our down time is after midnight and is down for approximately twenty minutes to one hour. The IVR system will provide information, final date to contest the citation, and including the option to make a payment using a credit card. Assistance provided through our IVR system is in English and Spanish. PHOENIX GROUP will provide a unique toll free 800-telephone number for violators (California and out-of-state) for public inquires for calls made from within the United States.

Our IVR software was designed to allow our customers a unique toll free telephone number to allow our software to customize to the City. For example, when the violator/caller dials the toll free telephone number the caller is greeted by: "Thank you for calling the Parking Citation Service Center for the City of Rio Dell," followed by requesting the citation number or the license plate to proceed with providing information to the caller. The software was designed to also recognize the type of violation to add additional information for Equipment or Registration (sign-off) tickets. The greeting may be customized to meet the needs of the City.

ONLINE CONTESTING

On-line Contesting is available to the public by using paymycite.com, it is easy to use (no more paper or filing), and email confirmations are sent to the Applicant and to the City. Pending online contested citations are noted in Wincite for easy access. The application may be downloaded, saved, and printed; additional Documents (such as photos) can be **uploaded** to Wincite.net and attached to the citation file. On-line contesting will only be allowed if the citation is within the contesting time limitations, if the time limitations have passed, the website will not display to option to contest. This feature will allow up to three photos to be attached by the contestant to the contestant's application; these photos are viewable in Wincite for the City. The violator will receive a confirmation email and have access to print his/her application at a later date. The citation will automatically be suspended in Wincite. The application is immediately available for viewing in Wincite by the City. A daily email will be sent to the City with the number of **new** reviews. Wincite will retain the contest application on file for a negotiated period of

time. Dispositions letters are mailed the same day the results are entered into Wincite (if part of the City services). Review disposition letters include generic and custom disposition codes (reason for disposition requirement per AB 602-2008). PDF copies of the mailed result letters are available on-line the following day and may be reprinted.

REPORTING

Our clients have access to the monthly reports over the Internet Explorer using Explorer 6.0 or higher and Adobe Reader. Access to the data is obtained by having a user name and password to access the data. The reports are prepared using Adobe Acrobat in a PDF format. The City can obtain a copy of Adobe "Reader" with the ability to export to Excel at no cost to the City.

This method allows the City to have immediate access to the monthly reports. This process was established last year and we have been very successful. There is no additional charge for this feature. The reports will be maintained on our system for a period of at least one year. The City may download the reports or view the data over the Internet using Adobe Reader. Your City has the option to download these reports for later reference or local archiving.

The WINCITE system will produce a variety of reports to meet the needs of the City. These reports are provided to the City on a monthly basis (or as needed). The DMV reports would be supplied to the City monthly after they are supplied to PHOENIX by the DMV. The monthly reports supplied to the City may change as the needs of the City change.

HAND HELD TICKET WRITING EQUIPMENT – WINCITE MOBILE

The CITY may incorporate the purchase, lease and/or installation of Enforcement hardware and software at any time during this agreement. The inclusion of any handheld ticket writing equipment by PHX to CITY shall be on a monthly basis, and may be terminated by either party upon thirty (60) days written notice. Wincite Mobile will include the following:

Wincite Mobile Enforcement Software Package

The Software Package will include:

- a. Ticket Writing Software
- b. Street Sweeping Program/Repeat Watch
- c. Syncing Software
- d. Boot File Export/Import
- e. Daily Data Communications
- f. Daily Scoff law list (Boot List)
- g. Previously warned plates

Wincite Mobile Reports

The on-site PC will generate several reports, included but not limited to the following:

- a. Citations by date
- b. Production Report by Officer
- c. Officer Average Report
- d. Officer Summary by Violation

Software Support

The software support and maintenance includes the operating system, utilities, patches, system software, debugging and other software provided on the equipment as part of this Agreement. Software problems are reported directly to Contractor. Software support also includes all upgrades. All software is upgraded at no additional charge as the software is enhanced for the duration of the contract. Custom software may be quoted as needed.

Hardware Support

Support will include all troubleshooting, adjustments, tele-support, on-line support, training and adjustments to system configuration are available Monday – Friday 8:00 – 5:00, excluding holidays.

Hardware Repair

Hardware owned by the AGENCY and non-functioning will be sent back to the manufacturer for repair or replacement of the unit by the AGENCY.

Hardware Damage

Any physical damage due to misuse or accidental damage is the responsibility of the Agency. Replacement of stolen or lost equipment is the responsibility of the Agency to replace at actual cost of the hardware from the manufacturer.

Service Support Standards

PHX will provide full support for the duration of the contract. All service for the first 30 days of the agreement is handled as a Level 1 support or until installation is complete. After 30 days, or completion of installation service calls will be handled at the Level 2 support for the duration of the agreement.

Support Levels:

	Hours	Response Time *	Initial Resolution **	Final Resolution ***
Level 1 Support	8-5 M-F	4 hours	1- 3 Business Days	5- 7 Business Days
Level 2 Support	8-5 M-F	1 Business Day	3-5 Business Days	10 Business Days

- Response Time: If the initial phone call does not reach a support representative directly, this is the time you can expect a return call from a technician.
- Initial Resolution: Interim resolution of the problem could be a "work-around" and/or patch. This is not necessary in all cases.
- Final Resolution: Final resolution of the problem completed as required by the client.

On-Site Support

In the event a technician travels to the AGENCY'S location to resolve an issue that is agreed to be a user error of the AGENCY the on-site hours may be billed at a rate of \$175.00 per hour plus travel expenses.

Note: GPS and some Wi-Fi require consideration and discussion before moving forward.

Program Costs

Costs and charges to the City are based on citation volume and service required. Processing Services include: citation processing, delinquent notice, DMV communications, DMV holds/releases, and payment processing/updating. There is a minimum monthly fee of \$100.00. If the cost of citations issued exceeds \$100.00 in actual billing charges, the minimum fee will be waived. The following is a list of services and some detailed information on each.

The costs are estimates on services proposed for Citation processing:

1. Cost per citation issued Manual cites issued	\$0.70	Cites issued.
2. Payment Processing/Updates	No Charge	Payment processing is charged for <i>each payment collected (not per citation issued)</i>
3. Delinquent Notices	\$0.91	A delinquent notice is only charged for citations that reach the delinquent period and a delinquent notice is mailed, also includes any second notices.
4. Out of State citations	35%	Out of State processing includes any costs charged by the state for the registered owner. The percentage is only for citations that are collected.

Optional Costs/Services

5. Special customer letters	\$1.25	During the term of this agreement, special letters may be included as directed by the City. Special letters are custom letters that follow up processing, such as hearing dates, hearing results, or habitual violations. PHOENIX will not implement processing special letters without the consent of the City. (Optional)
6. Bank returned checks	\$10.00	Bank returned items are charged to the campus in the event that the bank returns a citation payment uncollected. These charges are usually passed on to the violator. There is no charge to reopen a citation. (Optional)
7. Refunds	\$5.00	Bank account must be controlled by PHOENIX. The City will approve each refund in advance of disbursement.
8. County Surcharge Disbursement	\$25.00	Checks are prepared and disbursed back to the City for payment to the County. (Optional)
9. Credit Card Payments	No Charge	A convenience fee will be charge to the caller for a convenience fee of \$3.95– no cost to the City. (Optional)
10. On-line Contesting	\$35.00	<u>Per Month</u> - This will give you a copy of the online application completed by the public. It is the exact form they submitted along with any photos at the end of the application. (Optional)
11. Collections and FTB	35%	Based on age of collections (Optional)

Note (from above items)

- **Item – 4.** Out of State processing includes any costs charged by the state. The percentage is only for citations that are collected.
- **Item – 5.** During the term of agreement, special letters may be included as directed by the City. Special letters are custom letters that follow up processing. An example would be letters that inform the violator of habitual violations or Disposition Letters mailed for each Review and Hearing conclusion. PHOENIX will not implement processing special letters without the consent of the City.

CITY OF RIO DELL

Handheld Units (optional)

QTY	DESCRIPTION	UNIT COST	CLIENT DISC	TOTAL
Hardware: Handheld and Accessories: PURCHASE				
1	Samsung Galaxy Tab 2 (7-inch), Wi-Fi	\$240.00		\$240.00
1	AC Adapter and Power Cord	\$0.00		\$0.00
1	Otter Box Protective Cases <i>(optional/recommended)</i>	\$90.00		\$90.00
1	Otter Box Latch II 7-in <i>(optional/recommended)</i>	\$43.20		\$43.20
1	O'Neil APEX 3 Printer (78828S1-3)	\$607.20		\$607.20
1	3 Year Comprehensive Warranty - O'Neil APEX 3 Printer	\$243.60		\$243.60
SUBTOTAL (not including Software, training, installation, Supplies, Shipping and Taxes)				\$1,224.00
Software: Application and License				
1	Wincite Mobile Software	\$6,000.00	(\$6,000)	\$0.00
1	Unlimited Site License	\$1,000.00	(\$1,000)	\$0.00
Services: Installation and Training				
1	Software Installation and Configuration	\$90.00		\$90.00
1	Remote: Software Installation	\$300.00		\$300.00
1	Remote: Officer Training	\$750.00	(\$750.00)	\$0.00
SUBTOTAL (not including Shipping and Taxes)			(\$7,750.00)	\$1,614.00
Taxes are estimated			Tax (8%)	\$78.43
Shipping and Handling are estimated			Shipping	\$200.00
GRAND TOTAL				\$1,892.43
Annual/Monthly Maintenance Pricing				
QTY	DESCRIPTION	UNIT COST PER YEAR	ANNUAL TOTAL FOR ALL UNITS	MONTHLY TOTAL FOR ALL UNITS
1	SUPPORT: Handheld Hardware/Software (yearly/each)	\$444.00	\$444.00	\$37.00
TOTALS		\$444.00	\$444.00	\$37.00

REFERENCES

The following references are for Parking citation processing. We encourage you to contact them about our services. ***You are also able to view references on our website at: www.phxgroup.com under client testimonials.***

<u>City of Arcata</u> Eileen Verbeck everbeck@arcatapd.org 736 F Street Arcata, Ca. 95521	<u>City of Westminster</u> Jeremy Fletcher JFletcher@Westminster-CA.gov 8200 Westminster Blvd. Westminster, Ca. 92683
<u>Shasta College</u> Tae Song tsong@shastacollege.edu Po Box 496006 Redding, Ca. 96049	<u>City of Buena Park</u> Sgt. Roger Powell rpowell@bppd.com 6650 Beach Blvd., Buena Park, Ca. 90622

Field

Field

GETTING STARTED

1. An agreement is needed to begin services. The agreement is established to ensure a mutual understanding of the services provided. This may be provided as a Purchase Order, letter of understanding, or contract. I would be happy to send you a sample agreement for you to review.

2. Review of the current citation verbiage and correspondence forms. We want to be sure all phone numbers and addresses that are directed to our staff are correct.

3. DMV set up to report the monthly transactions and daily holds and releases through PHOENIX GROUP, this is quickly done with DMV allowing Phoenix Group access to the daily and monthly transactions.

4. Request a conversion file of all data to import into Wincite.

To set-up you up with our WINCITE program, we would need additional information from your department however, PHOENIX GROUP staff will coordinate all the additional data needed or required. These items include parking penalties, late fees, officer names and badge numbers, notice mailing and DMV hold processing time frames, and other pertinent information to establish your processing profile.

I hope I have addressed all your needs, please let me know if there is any other information I can provide to you. Thanks again for allowing me the opportunity to provide you with a proposal and bid for services. I hope we will be able to provide service to you in the future.

Denise Ortega
Marketing Assistant
Phoenix Group Information Systems
2677 N. Main Street, Suite 400
Santa Ana, CA 92705
Ofc: (714) 460-7200 ext 200
Fax: (714) 384-0151
Email: denise@phxgroup.com


Field


675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



For Meeting of: December 3, 2013

To: City Council

From: Kevin Caldwell, Community Development Director 

Through: Jim Stretch, City Manager 

Date: October 22, 2013

Subject: Parkland Dedication Regulations, Section 17.30.190 RDMC

Recommendation:

That the City Council:

1. Receive staff's report regarding the proposed text amendment; and
2. Open the public hearing, receive public input, and deliberate; and
3. Introduce Ordinance No. 302-2013 establishing Parkland Dedication regulations, Section 17.30.190 of the Rio Dell Municipal Code and continue consideration, approval and adoption of the proposed Ordinance to your meeting of December 17, 2013 for the second reading and adoption

Background/Summary

Cities and counties have been authorized since the passage of the 1975 Quimby Act (California Government Code §66477) to pass ordinances requiring that developers set aside land, donate conservation easements, or pay fees for park improvements. Revenues generated through the Quimby Act cannot be used for the operation and maintenance of park facilities.

The goal of the Quimby Act was to require developers to help mitigate the impacts of property improvements. The act gives authority for passage of land dedication ordinances only to cities and counties. Special districts must work with cities, and/or counties to receive parkland dedication and/or in-lieu fees. The fees must be paid and land conveyed directly to the local public agencies that provide park and recreation services community-wide.

When California voters approved the local property tax relief initiative, Proposition 13 in 1978, property taxes were essentially frozen thus frustrating local government's financing options further. In addition, federal and state mandates without reimbursements also put pressure on already stretched recreation and park agency budgets. Local agencies needed to become more resourceful in locating funding options, and turned to Quimby, Mello-Roos, development impact fees, developer agreements (informal agreements requiring additional exactions) fee concession operations, facility leases, non-profits, commercialization, and competitive grants to sustain their budgets.

Many jurisdictions have found that the Quimby Act provides a consistent means of providing parks for many California communities and helps supplement strained agency budgets. While the Quimby Act is not an "end-all" in being able to provide sufficient dollars for land acquisition and park development, many agencies agree that it's a good start.

Originally, the Act was designed to ensure "adequate" open space acreage in jurisdictions adopting Quimby Act standards (e.g., 5 acres per 1,000 residents). In some California communities the acreage fee can get very high where the property values are high.

In 1982, the act was substantially amended. The amendments further defined acceptable uses of or restrictions on Quimby funds, provided acreage/population standards and formulas for determining the exaction, and indicated that the exactions must be closely tied (nexus) to a project's impacts as identified through traffic studies required by the California Environmental Quality Act (CEQA).

The 1982 amendment to the Quimby Act was designed to hold local governments accountable for imposing park development fees. Local ordinances must now include definite standards for determining the proportion of the subdivision to be dedicated and/or the amount of the fee to be paid.

In May of 2009 the City adopted Resolution No. 1046-2009 establishing Parkland Dedication fees for subdivisions subject to the Planned Development combining zone. The Planned

Development combining zone was applied to the Fockaert subdivision (Bluff View Estates). The Parkland Dedication fees were established at \$1,500 per dwelling unit.

Staff recently discovered that at the time the Parkland Dedication fees were adopted, the City Council directed its Contract Planner to prepare and return to the Council with recommendations regarding the "...implementation of fees on other new construction." In May 2012 the City Council reaffirmed its desire to implement Parkland Dedication requirements for all residential subdivisions within the City. In order to implement Parkland Dedication requirements, the City needed to update its Open Space Element to include policies calling for the establishment of Parkland Dedication requirements. The updated Open Space and Conservation Element was adopted at the City Council meeting of October 15, 2013.

Park Development Fee Calculation.

In 2009 the City carefully considered the basis for a Parkland Dedication Fee, and calculated this one-time fee based on residential demand, park land acquisition and development costs. The Quimby Act sets a ratio of 5-acres of parkland per thousand population. Because these fees are population-driven, they apply only to residential development. The City may charge an in-lieu fee under the Quimby Act. Below is a copy of the 2009 In-Lieu Parkland Dedication fee calculation:

Parkland Dedication Fee Calculation

Impact Fee = Cost per Capital x Population per Development Unit
Park Development Fee Cost per Capita Calculation

Acres per Capita ¹	Land Cost per Acre	Cost per Capita ²
0.005	\$125,000	\$625

¹This ratio (5 acres per 1000 people) is set forth by the State Quimby Act.

²Cost per Capita = 0.005 x Cost per Acre

The cost per acre was derived by contacting park managers in other jurisdictions, and local realtors, to estimate the cost of an acre of land potentially suitable for park acquisition and development. The average household size in Humboldt County population per development unit) is 2.4 persons. The current calculation for determining cost per residential unit is as follows:

Parkland Dedication Fee Cost per Dwelling Unit Calculation

Cost per Capita	Person per Household	Fee per Household
\$625.00	2.4	\$1,500.00

Procedures for Zoning Ordinance Amendments

Pursuant to Section 17.35.010 of the City of Rio Dell Municipal Code, the following City procedures are required to amend the Ordinance:

- An amendment may be initiated by one or more owners of property affected by the proposed amendment, as set out in Section 17.35.010(3), or by action of the Planning Commission, or the City Council.
- The application of one or more property owners for the initiation of an amendment shall be filed in the office of the City Clerk on a form provided, accompanied by a filing fee.
- Subject only to the rules regarding the placing of matters on the Planning Commission agenda, the matter shall be set for a public hearing.
- Notice of hearing time and place shall be published once in a newspaper of general circulation at least ten calendar days before the hearing or by posting in at least three public places.
- At the public hearing, the Planning Commission shall hear any person affected by the proposed amendment. The hearing may be continued from time to time.
- Within 40 days of the conclusion of the hearing, the Planning Commission shall submit to the City Council a written report of recommendations and reasons therefore.
- Subject only to the rules regarding the placing of matters on its agenda, the City Council, at its next regular meeting following the receipt of such report, shall cause the matter to be set for a public hearing. Notice of the time and place of the hearing shall be given as provided in Section 17.35.010(5), hereof.
- At the public hearing, the City Council shall hear any person affected by the proposed amendment. The hearing may be continued to a specified future date, but shall be concluded within 60 days of the commencement thereof.
- The City Council shall not make any change in the proposed amendment until the proposed change has been referred to the Planning Commission for a report, and the Planning Commission report has been filed with the City Council.

Zone Reclassification/Text Amendment Required Findings:

- 1. The proposed amendment is consistent and compatible with the General Plan and any implementation programs that may be affected.**

The recently adopted Open Space and Conservation Element includes the following Goal, Policy and Implementation Measure directly related to the Quimby Act:

Goal CO 5.4-1

Provide passive and active recreational opportunities, including parks offering a wide range recreational activities and a City wide trails program ultimately connecting to a local regional county wide trails program.

Policy CO 5.4-1

Support the acquisition, development and maintenance of park and recreation areas that provide recreation actives, including trails identified in the Circulation Element.

Implementation CO 5.4-1a. Establish a City wide parkland dedication or in-lieu fee program pursuant to the Quimby Act (California Government Code §66477).

Responsibility: Community Development Department.

Timeframe: 2013/2014.

Resources: General Fund

In addition, Chapter 2.1, *Natural Environment*, of the General Plan includes Goal 2.1-10 which calls for the City: "To develop a system of public parks and open spaces for our residents to enjoy." The proposed Parkland Dedication regulations to require either park land dedication or in-lieu parkland dedication fees will help the City achieve this worthy goal.

There are no polices in the General Plan which would prohibit the establishment of Parkland Dedication regulations. Therefore, the proposed Parkland Dedication regulations are consistent with the City's General Plan.

2. The proposed amendments have been processed in accordance with the California Environmental Quality Act (CEQA).

The primary purpose of the California Environmental Quality Act (CEQA) is to inform the decision makers and the public of potential environmental effects of a proposed project.

Any future development of parklands as a result of the Parkland Dedication regulations would be subject to existing development regulations, including Federal, State and local regulations in addition to CEQA.

Based on the nature of the amendment, staff has determined that the project is Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. Pursuant to Section 15061(b) (3) of the CEQA Guidelines this exemption is covered by the general rule that CEQA applies only to projects which have the potential for causing a *significant* effect on the environment. Where it can be seen with certainty that there is no possibility that the project in question may have a significant effect on the environment, the project is not subject to CEQA. Based on the nature of the proposed amendment, staff believes there is no evidence to suggest that the amendments will have a significant effect on the environment.

Financial Impact

The City is responsible for the costs associated with the proposed amendment. The cost is insignificant and will not result in additional budget expenditures or revisions.

Attachments:

1. Draft Ordinance No. 302-2013 establishing Parkland Dedication regulations, Section 17.30.190 of the Rio Dell Municipal Code (RDMC).

ORDINANCE NO. 302 – 2013



**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIO DELL
ESTABLISHING PARKLAND DEDICATION REGULATIONS,
SECTION 17.30.190 OF THE RIO DELL MUNICIPAL CODE**

THE CITY COUNCIL OF THE CITY OF RIO DELL ORDAINS AS FOLLOWS:

WHEREAS cities and counties have been authorized since the passage of the 1975 Quimby Act (California Government Code §66477) to pass ordinances requiring that developers set aside land, donate conservation easements, or pay fees for park improvements; and

WHEREAS the goal of the Quimby Act was to require developers to help mitigate the impacts of property improvements and provide parkland; and

WHEREAS many jurisdictions have found that the Quimby Act provides a consistent means of providing parks for many California communities and helps supplement strained agency budgets; and

WHEREAS originally, the Act was designed to ensure “adequate” open space acreage in jurisdictions adopting Quimby Act standards (e.g., 5 acres per 1,000 residents); and

WHEREAS in 1982 the Quimby Act was amended to hold local governments accountable for imposing park development fees and local ordinances must now include definite standards for determining the proportion of the subdivision to be dedicated and/or the amount of the fee to be paid; and

WHEREAS in May of 2009 the City adopted Resolution No. 1046-2009 establishing Parkland Dedication fees for subdivisions subject to the Planned Development combining zone; and

WHEREAS in May 2012 the City Council directed staff to implement Parkland Dedication requirements for all residential subdivisions within the City; and

WHEREAS in order to implement Parkland Dedication requirements, the City needed to update its Open Space Element to include policies calling for the establishment of Parkland Dedication requirements; and

WHEREAS the updated Open Space and Conservation Element was adopted at the City Council meeting of October 15, 2013; and

WHEREAS the City has reviewed and processed the proposed amendment in conformance with Sections 65350 – 65362 of the California Government Code; and

WHEREAS the City has reviewed and processed the proposed amendment in conformance with Section 17.30.010 of the City of Rio Dell Municipal Code; and

WHEREAS the City finds that based on evidence on file and presented in the staff report that the proposed amendment is consistent and compatible with the General Plan and any implementation programs that may be affected; and

WHEREAS the proposed amendment has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA); and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Rio Dell finds that:

1. The proposed amendment is consistent with the General Plan and any applicable specific plan; and
2. The proposed amendment is Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Council of the City of Rio Dell does hereby ordain as follows:

Section 1. Section 17.30.190 of the Rio Dell Municipal Code is hereby established as follows:

17.30.190 Parkland Dedication

(1) Purpose

The purpose of these requirements is to provide opportunities for public recreation in conjunction with residential development in conformity with the General Plan.

(2) Applicability

These regulations shall apply to all divisions of land for residential uses pursuant to the Quimby Act.

(3) Requirements

(a) As a condition of approval of a Final Map or Parcel Map the subdivider shall satisfy one (1) of the following requirements, at the option of the City:

(1) For new subdivisions containing fifty-one (51) or more parcels an offer of dedication land to the City according to the formula and standards set forth in Section 17.30.190(5); or

(2) An in-lieu fee, in accordance with the provisions of Section 17.30.180(6) to provide an appropriate contribution to public parks or recreation. It shall be the County's option to decide whether dedication of land or in-lieu fees shall be required.

(b) For new subdivisions containing fifty (50) or fewer lots or parcels, an in-lieu fee shall be provided consistent with the provisions of Section 17.30.180(6); except that, if mutually agreeable, the subdivider and the City may agree to the dedication of land or a combination of dedication and fee payment.

(c) Subdivisions containing less than five (5) parcels and not used for residential purposes shall be exempted from the requirements of this section. However, a condition shall be placed on the approval of such parcel map that at the time a building permit is requested for construction of a residential structure or structures on one or more of the parcels, the fee shall be required to be paid by the owner of each such parcel as a condition to the issuance of such permit.

(4) General Standard

Public parkland and/or recreation facilities shall be provided at the rate of five (5) acres for each 1,000 persons, equal to a standard of 218 square feet per person. This standard shall be utilized pursuant to Section 17.30.180(5) for the determination of parkland dedication.

(5) Formula for Dedication of Parkland

The amount of land (per dwelling unit), where land is dedicated, shall be determined by the application of the following formula:

(a) 218 square feet per person multiplied by the average number of persons per household.

(b) The average number of persons per household shall be determined by the City based on demographic research and available City Census data from the United States Bureau of the Census.

(6) Fees In-Lieu of Land Dedication.

(a) Where a fee is required to be paid in-lieu of land dedication, the amount of such fee shall be based upon the fair market value of the amount of land which would otherwise be required to be dedicated pursuant to Section 17.30.180(5). The In-Lieu Parkland Dedication Fees shall be established by Resolution and determined in conjunction with the County Assessor and/or local realtors from time to time as necessary based on the following formula:

Parkland Dedication Fee Calculation

$$\text{Impact Fee} = \text{Cost per Capita}^1 \times \text{Population per Development Unit}^2$$

¹Cost per Capita = .005 (5 acres per 1000 population) x Cost per Acre
²Average County Household Size

(b) If the subdivider objects to the adopted fair market value determination, the subdivider may, at his/her own expense, obtain an appraisal of property suitable for a park by a qualified real estate appraiser mutually agreed upon by the City in determining fair market value.

(c) In-Lieu Parkland Dedication Fees shall be paid to the City at the time a Building Permit is issued for each dwelling unit built on the parcel.

(7) Procedures for Determining Land Dedication, Fee Payment or a Combination of Both.

The procedure for determining whether the subdivider is to dedicate land, pay a fee, or a combination of both shall be as follows:

(a) At the time of filing a Tentative Subdivision Map or Tentative Parcel Map for approval, the subdivider shall, as part of such filing, indicate whether he/she desires to dedicate property for park and recreational purposes, or whether he/she desires to pay a fee in-lieu thereof. If the subdivider desires to dedicate land for this purpose, he/she shall designate the area thereof on the subdivision map as submitted.

(b) At the time of the approval of the Tentative Subdivision Map or Tentative Parcel Map, the City shall determine as a part of such approval whether to require a dedication of land within the subdivision, payment of a fee in-lieu thereof, or a combination of both.

(c) The City may approve of the offer of land dedication, or elect to recommend that a payment of a fee in-lieu thereof be required, or that a combination of both be required. In making this determination the Planning Commission shall consider the following:

(1) The General Plan;

(2) Topography, geology, access, and location of land in the subdivision available for dedication;

(3) Size and shape of the land in the subdivision available for dedication;

- (4) Feasibility of dedication;
- (5) Availability and adequacy of previously acquired park property; and
- (6) The desirability of fees being used for indoor recreational facilities.

(8) Credit for Private Recreation Facilities.

Where a substantial private park and recreation area is provided in a proposed subdivision and such space is to be privately owned and maintained by the future residents of the subdivision, partial credit, not to exceed fifty percent (50%), may be given against the requirement of land dedication or payment of fees in-lieu thereof if the Planning Commission finds that it is in the public interest to do so and that the following standards are met:

- (a) That yards, court areas, setbacks, and other open areas required to be maintained by the zoning and building ordinances and regulations shall not be included in the computation of such private open space;
- (b) That the private ownership and maintenance of the open space is adequately provided for by recorded written agreement, conveyance, or restrictions;
- (c) That the use of the private open space is restricted for park and recreational purposes by recorded covenant, which runs with the land in favor of the future owners of property in the subdivision and which cannot be defeated or eliminated without the consent of the County or its successor;
- (d) That the proposed private open space is reasonably adaptable for use for park and recreational purposes, taking into consideration such factors as size, shape, topography, geology, access, and location;
- (e) That facilities proposed for the open space are in substantial accordance with the provisions of the General Plan.

Before credit is given, the Planning Commission shall make findings that the standards herein are met.

Section 2. Severability

If any provision of the ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

Section 3. Limitation of Actions

Any action to challenge the validity or legality of any provision of this ordinance on any grounds shall be brought by court action commenced within ninety (90) days of the date of adoption of this ordinance.

Section 4. CEQA Compliance

The City Council has determined that the adoption of this ordinance is exempt from review under the California Environmental Quality Act (CEQA), pursuant to Section 15061(b)(3) of the CEQA Guidelines. Due to the nature of the proposed code revision, there is no evidence that a *significant* impact to the environment would occur as a result of adoption of the Ordinance.

Section 5. Effective Date

This ordinance becomes effective thirty (30) days after the date of its approval and adoption.

I HEREBY CERTIFY that the forgoing Ordinance was duly introduced at a regular meeting of the City Council of the City of Rio Dell on December 3, 2013 and furthermore the forgoing Ordinance was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell, held on the 17th of December 2013 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Jack Thompson, Mayor

ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above and foregoing to be a full, true and correct copy of Ordinance No. 302-2013 adopted by the City Council of the City of Rio Dell on December 17, 2013.

Karen Dunham, City Clerk, City of Rio Dell

675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



For Meeting of: December 3, 2013

To: City Council

From: Kevin Caldwell, Community Development Director



Through: Jim Stretch, City Manager

Date: October 24, 2013

Subject: Parking Regulations Text Amendment Section 17.30.180 of the Rio Dell
Municipal Code (RDMC).

Recommendation:

That the City Council:

1. Receive staff's report regarding the proposed text amendment; and
2. Open the public hearing, receive public input, and deliberate; and
3. Introduce Ordinance No. 305-2013 amending the current Parking regulations, Section 17.30.180 of the Rio Dell Municipal Code and continue consideration, approval and adoption of the proposed Ordinance to your meeting of December 17, 2013 for the second reading and adoption

Background/Summary

The proposed amendments to the parking regulations were originally presented to the Planning Commission at their meeting of August 25th. Staff presented three (3) text amendments to the existing parking regulations. They were:

1. Prohibit the storage of trailers on public street and right-of-ways; and
2. Identify specific parking requirements for Low to Moderate Income (LMI) Senior Housing projects; and
3. Eliminate the need for a Conditional Use Permit (CUP) for exceptions to the location and required number of parking spaces.

Based on staff's recommendation, the Planning Commission adopted Resolution No. PC 66-2013 recommending that the City Council adopt Ordinance No. 305-2013 implementing the recommended changes. Staff presented the recommended changes to your Council at your meeting of September 3, 2013. The council expressed concerns regarding the on-street parking of recreational vehicles, including boats and trailers and the recommended parking requirements for one bedroom and studio units in low to moderate income senior housing projects. Based on these concerns, the Council remanded the two issues back to the planning Commission for discussion and recommendation.

As indicated above, your Council discussed the proposed Recreational Vehicle/Trailer Parking amendments and felt that the parking of recreational vehicles, boats and trailers should be restricted in all zones, not just residential zones. In addition, there was discussion regarding the 72 hour limit and whether or not 72 hours is too long.

At their meeting of October 23rd, staff recommended to the Planning Commission that the provision apply to all zones and not just residential zones. The Planning Commission discussed the issue and concurred that the 72 hour limit should apply to all zones. In regards to the 72 hour period, The Planning Commission believes it is a reasonable amount of time to allow the temporary parking of recreational vehicles, including boats and trailers in all zones other than the Town Center (TC) zone along Wildwood Avenue. The Planning Commission believes and has recommended that the parking of recreational vehicles, boats and trailers should be limited to 24 hours in the Town Center zone along Wildwood Avenue. Based on the Planning Commission recommendation, below is a copy of existing and proposed regulation:

Section 17.30.180(2)(d) RDMC

Recreational Vehicle/Trailer Parking: The storage (parking for any period longer than 72 hours) of a recreational vehicle, ~~and/or boat and/or trailer in a residential zoning district~~ shall be allowed only when all portions of the vehicle ~~or boat and/or trailer~~ are located entirely within the property boundaries and do not extend into the public right-of-way, including public utility easements and sidewalks. The storage (parking for any period longer than 24 hours) of a recreational vehicle, and/or boat and/or trailer in the Town Center zone along

Wildwood Avenue shall be allowed only when all portions of the vehicle, boat and/or trailer are located entirely within the property boundaries and do not extend into the public right-of-way, including public utility easements and sidewalks.

As discussed above at your meeting of September 3rd, your Council also discussed the recommended parking demand for low to moderate income senior housing projects. The Council expressed concern that the recommended ½ parking space for one bedroom or studio units may not provide adequate parking facilities for low to moderate income senior housing projects.

Staff's original recommendation was based on many low to moderate income senior citizens (62 years and older) are limited to one (1) car per household and some low to moderate income senior citizens do not drive for either financial reasons or health related issues. However, upon reconsideration, including a site visit to the existing 24 unit low to moderate income senior housing project on Center Street, staff recommended ¾ of a parking space per one bedroom or studio unit. The Planning Commission discussed the issue at their meeting of October 23rd and concurs with staff and the Council that ¾ of a parking space per one bedroom or studio unit is appropriate. Staff has amended the draft Ordinance accordingly.

As the Council is aware, staff also recommended eliminating the need for a Conditional Use Permit (CUP) for exceptions to the location of the required parking and to the amount of required parking. The City Council was comfortable with the Planning Commission's recommendation to eliminate the CUP requirement for exceptions and having the Community Development Director in consultation with the Director of Public Works and sometimes the City Engineer reviews applications for exception requests. At their meeting of October 23rd the Planning Commission reaffirmed their support for the recommended text amendment eliminating the CUP requirement for exceptions to the location of the required parking and to the amount of required parking.

Procedures for Zoning Ordinance Amendments

Pursuant to Section 17.35.010 of the City of Rio Dell Municipal Code, the following City procedures are required to amend the Ordinance:

- An amendment may be initiated by one or more owners of property affected by the proposed amendment, as set out in Section 17.35.010(3), or by action of the Planning Commission, or the City Council.

- The application of one or more property owners for the initiation of an amendment shall be filed in the office of the City Clerk on a form provided, accompanied by a filing fee.
- Subject only to the rules regarding the placing of matters on the Planning Commission agenda, the matter shall be set for a public hearing.
- Notice of hearing time and place shall be published once in a newspaper of general circulation at least ten calendar days before the hearing or by posting in at least three public places.
- At the public hearing, the Planning Commission shall hear any person affected by the proposed amendment. The hearing may be continued from time to time.
- Within 40 days of the conclusion of the hearing, the Planning Commission shall submit to the City Council a written report of recommendations and reasons therefore.
- Subject only to the rules regarding the placing of matters on its agenda, the City Council, at its next regular meeting following the receipt of such report, shall cause the matter to be set for a public hearing. Notice of the time and place of the hearing shall be given as provided in Section 17.35.010(5), hereof.
- At the public hearing, the City Council shall hear any person affected by the proposed amendment. The hearing may be continued to a specified future date, but shall be concluded within 60 days of the commencement thereof.
- The City Council shall not make any change in the proposed amendment until the proposed change has been referred to the Planning Commission for a report, and the Planning Commission report has been filed with the City Council.

Zone Reclassification Required Finding:

1. The proposed amendment is consistent and compatible with the General Plan and any implementation programs that may be affected.

There are no policies in the General Plan which would discourage or prohibit the recommended text amendments to the parking regulations. One of the primary goals of any General Plan is facilitate planned orderly development. Staff believes the recommended text amendments will help facilitate and expedite planned orderly development.

2. The proposed amendments have been processed in accordance with the California Environmental Quality Act (CEQA).

The primary purpose of the California Environmental Quality Act (CEQA) is to inform the decision makers and the public of potential environmental effects of a proposed project.

Based on the nature of the project, staff has determined that the project is Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. Pursuant to Section 15061(b) (3) of the CEQA Guidelines this exemption is covered by the general rule that CEQA applies only to projects which have the potential for causing a *significant* effect on the environment. Where it can be seen with certainty that there is no possibility that the project in question may have a significant effect on the environment, the project is not subject to CEQA. Based on the nature of the proposed amendments, staff believes there is no evidence to suggest that the amendments will have a significant effect on the environment.

Financial Impact

The City is responsible for the costs associated with the proposed amendment. The cost is insignificant and will not result in additional budget expenditures or revisions.

Attachments:

1. Draft Ordinance No. 305-2013 amending the parking Regulations, Section 17.30.180 of the Rio Dell Municipal Code.

ORDINANCE NO. 305 – 2013



**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIO DELL
AMENDING THE PARKING REGULATIONS, SECTION 17.30.180 OF THE RIO DELL
MUNICIPAL CODE:**

THE CITY COUNCIL OF THE CITY OF RIO DELL ORDAINS AS FOLLOWS:

WHEREAS in responding to complaints regarding the on-street parking of recreational vehicles and boats, staff discovered that the on-street parking of trailers (i.e. horse trailers, cargo trailers, dump trailers, etc.) is not addressed; and

WHEREAS staff believes this be an oversight. It was staff's intent when we recently updated the parking regulations, that all trailers be prohibited from being stored (parking for any period longer than 72 hours) on a public street or right-of-way; and

WHEREAS during a recent meeting with DANCO regarding a potential senior housing project, staff discovered that we do not have specific parking requirements for low to moderate income senior housing projects; and

WHEREAS as such, staff is recommending that the City establish separate parking requirements for low to moderate income senior housing projects; and

WHEREAS many low to moderate income senior citizens (62 years and older) are limited to one (1) car per household due to financial reasons or health related issues; and

WHEREAS staff believes that the parking demand for low to moderate income senior citizens would not be the same for typical single family or multifamily developments; and

WHEREAS staff is also recommending eliminating the need for a Conditional Use Permit (CUP) for exceptions to the location of the required parking and to the amount of required parking; and

WHEREAS the cost for a Conditional Use Permit ranges from about \$500.00 to about \$1,000.00; and

WHEREAS the processing time for a Conditional Use Permit is a minimum of four (4) weeks and up to six (6) or eight (weeks) depending on when the application is submitted the complexity of the application and the need for referral agency comments; and

WHEREAS currently the Community Development Director in consultation with the Director of Public Works and sometimes the City Engineer reviews applications for exception requests and based on the submitted evidence makes a recommendation to the Planning Commission to either approve or deny the exception request; and

WHEREAS should the Planning Director deny the exception request, the applicant may appeal the decision to the Planning Commission and subsequently to the City Council; and

WHEREAS staff believes the recommended revisions to the exception provisions will save applicants both time and money, thus facilitating and expediting planned, orderly development consistent with an overall comprehensive view of the General Plan; and

WHEREAS the proposed amendments to the parking regulations were originally presented to the Planning Commission at their meeting of August 25th; and

WHEREAS based on staff's recommendation, the Planning Commission adopted Resolution No. PC 66-2013 recommending that the City Council adopt Ordinance No. 305-2013 implementing the recommended changes; and

WHEREAS at their meeting of September 3rd, the City Council discussed the proposed Recreational Vehicle/Trailer Parking amendments and felt that the parking of recreational vehicles, boats and trailers should be restricted in all zones, not just residential zones. In addition, there was discussion regarding the 72 hour limit and whether or not 72 hours is too long; an

WHEREAS at their meeting of September 3rd, the City Council also discussed the recommended parking demand for low to moderate income senior housing projects; and

WHEREAS the Council expressed concern that the recommended ½ parking space for one bedroom or studio units may not provide adequate parking facilities for low to moderate income senior housing projects; and

WHEREAS based on the City Council's concerns, the proposed text amendments were sent back to the Planning Commission for discussion and recommendation; and

WHEREAS the Planning Commission discussed the 72 hour limit and recommended that the limit should apply to all zones, except the Town Center zone along Wildwood Avenue; and

WHEREAS the Planning Commission recommended that the parking of recreational vehicles, boats and trailers should be limited to 24 hours in the Town Center zone along Wildwood Avenue; and

WHEREAS the Planning Commission discussed the recommended parking demand for low to moderate income senior housing projects issue at their meeting of October 23rd and concurs with staff and the Council that $\frac{3}{4}$ of a parking space per one bedroom or studio unit is appropriate; and

WHEREAS the City has reviewed and processed the proposed amendments in conformance with Sections 65350 – 65362 of the California Government Code; and

WHEREAS the City has reviewed and processed the proposed amendments in conformance with Section 17.30.010 of the City of Rio Dell Municipal Code; and

WHEREAS the City finds that based on evidence on file and presented in the staff report that the proposed amendments are consistent and compatible with the General Plan and any implementation programs that may be affected; and

WHEREAS the proposed amendments have been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA); and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Rio Dell finds that:

1. The proposed amendments are consistent with the General Plan and any applicable specific plan; and
2. The City has determined that the proposed amendments are Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Council of the City of Rio Dell does hereby ordain as follows:

Section 1. The Parking Regulations, Section 17.30.180 of the Rio Dell Municipal Code is hereby amended as follows:

Section 17.30.180(2) (d) RDMC

Recreational Vehicle/Trailer Parking: The storage (parking for any period longer than 72 hours) of a recreational vehicle, ~~and/or boat~~ and/or trailer ~~in a residential zoning district~~ shall be

allowed only when all portions of the vehicle or boat and/or trailer are located entirely within the property boundaries and do not extend into the public right-of-way, including public utility easements and sidewalks.

Section 17.30.180(4) Location Exception

(i) Exceptions to the location requirement for parking facilities for commercial uses may be ~~allowed with a Conditional Use Permit~~ approved by the Community Development Director in consultation with the Director of Public Works if it is found that:

(ii) A substitute parking area is to be provided and remain available for as long as the use to which the required parking pertains shall continue; and

(iii) The substitute parking area is within an area designated in the General Plan for commercial or other business use and within which parking is a permitted and compatible use; and

(iv) All or part of the substitute location is within four hundred feet (400') of the principal use for which the parking is being provided, measured in walking distance along the way open to public pedestrian passage; and

(v) The substitute parking area is owned by the owner of the property on which the use for which the parking is being provided or is owned by a public entity empowered to provide public parking facilities; or

Section 17.30.180(5) Amount Exception

(a) Exceptions to the requirements for the number of off-street parking spaces may be ~~allowed with a Conditional Use Permit~~ approved by the Community Development Director in consultation with the Director of Public Works provided evidence is submitted in support of the exception. Exceptions may be granted by the ~~hearing officer~~ Community Development Director based upon the following factors:

(i) Geographic location of site;

(ii) Levels of anticipated use.

(iii) Site specific topographic constraints;

(iv) Historically designated structures;

(v) Proximity to urban built-up areas; and

17.30.180(17) Number of Parking Spaces Required

(a) Each land use shall be provided the number of off-street parking spaces required by this Section. Each space shall be independently accessible. See Sections **17.30.180(19)** and **17.30.180(20)** for off-street parking requirements for bicycles and motorcycles, respectively.

Land Use Type	Minimum Number of Required Off-Street Parking Spaces
Residential	
Single Family & Duplexes	2 spaces per dwelling unit
Multi-Family (3 or more units)	
One Bedroom or Less	1 space per dwelling unit
Two or Three Bedrooms	2 spaces per dwelling unit
Four Bedrooms or More	2.5 spaces per dwelling unit
Guest Parking	.5 spaces per dwelling unit
<u>Low to Moderate Income Senior Housing Projects (62 and older)</u>	
<u>One Bedroom or Less</u>	<u>.75 space per dwelling unit</u>
<u>Two Bedrooms</u>	<u>1 space per dwelling unit</u>
<u>Three Bedrooms</u>	<u>1.5 spaces per dwelling unit</u>
<u>Four Bedrooms or More</u>	<u>2 spaces per dwelling unit</u>
<u>Guest Parking</u>	<u>.5 spaces per dwelling unit</u>

Section 2. Severability

If any provision of the ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

Section 3. Limitation of Actions

Any action to challenge the validity or legality of any provision of this ordinance on any grounds shall be brought by court action commenced within ninety (90) days of the date of adoption of this ordinance.

Section 4. CEQA Compliance

The City Council has determined that the adoption of this ordinance is exempt from review under the California Environmental Quality Act (CEQA), pursuant to Section 15061(b) (3) of the CEQA Guidelines. Due to the nature of the proposed code revisions, there is no evidence that any impact to the environment would occur as a result of adoption of the Ordinance.

Section 5. Effective Date

This ordinance becomes effective thirty (30) days after the date of its approval and adoption.

I HEREBY CERTIFY that the forgoing Ordinance was duly introduced at a regular meeting of the City Council of the City of Rio Dell on December 3, 2013 and furthermore the forgoing Ordinance was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell, held on December 17, 2013 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Jack Thompson, Mayor

ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above and foregoing to be a full, true and correct copy of Ordinance No. 305-2013 adopted by the City Council of the City of Rio Dell on December 17, 2013.


Karen Dunham, City Clerk, City of Rio Dell

675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



For Meeting of: December 3, 2013

To: City Council

From: Kevin Caldwell, Community Development Director 

Through: Jim Stretch, City Manager

Date: October 28, 2013

Subject: Design Review Regulations Text Amendment Section 17.25.050(3) of the Rio Dell Municipal Code (RDMC).

Recommendation:

That the City Council:

1. Receive staff's report regarding the proposed text amendment; and
2. Open the public hearing, receive public input, and deliberate; and
3. Introduce Ordinance No. 309-2013 amending the current Design Review regulations, Section 17.25.050(3) of the Rio Dell Municipal Code and continue consideration, approval and adoption of the proposed Ordinance to your meeting of December 17, 2013 for the second reading and adoption.

Background/Summary

The City was recently contacted regarding the placement of a pre-constructed storage shed on a commercial parcel on Wildwood Avenue. The parcel is zoned Town Center. Storage sheds less than 120 square feet do not require a building permit. However, they are subject to the Zoning regulations, including Design Review, setbacks and lot coverage. When informed of the

Design Review requirement and the required \$500 deposit, the property owner refused to apply for the Design Review Conditional Use Permit.

Staff certainly understands the property owner's frustration. However, the intent of the Design Review regulations is to make sure that any commercial development, especially on Wildwood Avenue is tastefully done, compliments and is compatible with the character of the surrounding area, is not detrimental to the value of properties in the area and does not reduce the visual appearance of the area. In this case, staff was not concerned regarding the appearance of the storage building. However, as some Council members may remember there was another storage shed that did not require a building permit that was placed on a Wildwood Avenue parcel that was detrimental to the value of properties in the area and reduced the visual appearance of the area.

Based on this recent situation, staff is recommending that we amend the Design Review regulations to provide for exemptions of projects that do not require Building Permits. Projects would be exempt provided:

- (1) The improvements employ the same materials, colors and design as the original or existing construction and compliments; and
- (2) The improvements are compatible with the character of the surrounding area; and
- (3) The improvements are not detrimental to the value of properties in the area and do not reduce the visual appearance of the area.

Procedures for Zoning Ordinance Amendments

Pursuant to Section 17.35.010 of the City of Rio Dell Municipal Code, the following City procedures are required to amend the Ordinance:

- An amendment may be initiated by one or more owners of property affected by the proposed amendment, as set out in Section 17.35.010(3), or by action of the Planning Commission, or the City Council.
- The application of one or more property owners for the initiation of an amendment shall be filed in the office of the City Clerk on a form provided, accompanied by a filing fee.
- Subject only to the rules regarding the placing of matters on the Planning Commission agenda, the matter shall be set for a public hearing.
- Notice of hearing time and place shall be published once in a newspaper of general circulation at least ten calendar days before the hearing or by posting in at least three public places.

- At the public hearing, the Planning Commission shall hear any person affected by the proposed amendment. The hearing may be continued from time to time.
- Within 40 days of the conclusion of the hearing, the Planning Commission shall submit to the City Council a written report of recommendations and reasons therefore.
- Subject only to the rules regarding the placing of matters on its agenda, the City Council, at its next regular meeting following the receipt of such report, shall cause the matter to be set for a public hearing. Notice of the time and place of the hearing shall be given as provided in Section 17.35.010(5), hereof.
- At the public hearing, the City Council shall hear any person affected by the proposed amendment. The hearing may be continued to a specified future date, but shall be concluded within 60 days of the commencement thereof.
- The City Council shall not make any change in the proposed amendment until the proposed change has been referred to the Planning Commission for a report, and the Planning Commission report has been filed with the City Council.

Zone Reclassification Required Finding:

1. The proposed amendment is consistent and compatible with the General Plan and any implementation programs that may be affected.

There are no polices in the General Plan which would discourage or prohibit amending the Design Review regulations to allow exemptions for projects that do not require Building Permits provided:

- (1) The improvements employ the same materials, colors and design as the original or existing construction and compliments; and
- (2) The improvements are compatible with the character of the surrounding area; and
- (3) The improvements are not detrimental to the value of properties in the area and do not reduce the visual appearance of the area.

2. The proposed amendments have been processed in accordance with the California Environmental Quality Act (CEQA).

The primary purpose of the California Environmental Quality Act (CEQA) is to inform the decision makers and the public of potential environmental effects of a proposed project.

Based on the nature of the amendment, staff has determined that the project is Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. Pursuant to Section 15061(b) (3) of the CEQA Guidelines this exemption is covered by the general rule that CEQA applies only to projects which have the potential for causing a *significant* effect on the environment. Where it can be seen with certainty that there is no possibility that the project in question may have a significant effect on the environment, the project is not subject to CEQA. Based on the nature of the proposed amendment, staff believes there is no evidence to suggest that the amendments will have a significant effect on the environment.

Financial Impact

The City is responsible for the costs associated with the proposed amendment. The cost is insignificant and will not result in additional budget expenditures or revisions.

Attachments:

1. Draft Ordinance No. 309-2013 amending Section 17.25.050 of the Rio Dell Municipal Code.

ORDINANCE NO. 309 – 2013



**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIO DELL
AMENDING THE DESIGN REVIEW REGULATIONS, SECTION 17.25.050 OF THE RIO
DELL MUNICIPAL CODE**

THE CITY COUNCIL OF THE CITY OF RIO DELL ORDAINS AS FOLLOWS:

WHEREAS the City was recently contacted regarding the placement of a pre-constructed storage shed on a commercial parcel on Wildwood Avenue; and

WHEREAS storage sheds less than 120 square feet do not require a building permit. However, they are subject to the Zoning regulations, including Design Review, setbacks and lot coverage; and

WHEREAS the intent of the Design Review regulations is to make sure that any commercial development, especially on Wildwood Avenue is tastefully done, compliments and is compatible with the character of the surrounding area, is not detrimental to the value of properties in the area and does not reduce the visual appearance of the area; and

WHEREAS under the proposed amendment work or improvements that do not require building permits may be found exempt from the Design Review regulations provided the improvements employ the same materials, colors and design as the original or existing construction and compliments and is compatible with the character of the surrounding area, is not detrimental to the value of properties in the area and does not reduce the visual appearance of the area; and

WHEREAS the proposed amendment will allow for a ministerial review of proposed projects to determine if the proposed improvements, including those projects that do not require a building permit, trigger Design Review or if they could be found exempt from Design Review; and

WHEREAS the City has reviewed and processed the proposed amendments in conformance with Sections 65350 – 65362 of the California Government Code; and

WHEREAS the City has reviewed and processed the proposed amendments in conformance with Section 17.30.010 of the City of Rio Dell Municipal Code; and

WHEREAS the City finds that based on evidence on file and presented in the staff report that the proposed amendment is consistent and compatible with the General Plan and any implementation programs that may be affected; and

WHEREAS the proposed amendment has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA); and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Rio Dell finds that:

1. The proposed amendment is consistent with the General Plan and any applicable specific plan; and
2. The City has determined that the proposed amendment is Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Council of the City of Rio Dell does hereby ordain as follows:

Section 1. Section 17.25.050(3) of the Rio Dell Municipal Code is hereby established as follows:

3. Design Review Exemptions

The following structures and improvements are exempt from Design Review. However, such structures may require additional permits, such as a ministerial building permit to ensure compliance with adopted Building Code standards and applicable Zoning Code provisions.

- (a) Additions to structures less than 10% of its existing size;
- (b) Repairs and maintenance of site improvements or structures that do not add to, enlarge, or expand the area occupied by the land use, or the floor area of the structure. Exterior repairs that employ the same materials and design as the original construction are also exempt from Design Review;
- (c) Interior alterations that do not increase the gross floor area within the structure, or change/expand the permitted use of the structure;
- (d) Construction, alteration, or maintenance by a public utility or public agency of

underground or overhead utilities intended to service existing or nearby approved developments (e.g., water, gas, electric or telecommunication supply or disposal systems, including wires, mains, drains, sewers, pipes, conduits, cables, fire-alarm boxes, police call boxes, traffic signals, hydrants, and similar facilities and equipment);

- (e) Work or improvements that do not require building permits provided the improvements employ the same materials, colors and design as the original or existing construction and compliments and is compatible with the character of the surrounding area, is not detrimental to the value of properties in the area and does not reduce the visual appearance of the area.

Section 2. Severability

If any provision of the ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

Section 3. Limitation of Actions

Any action to challenge the validity or legality of any provision of this ordinance on any grounds shall be brought by court action commenced within ninety (90) days of the date of adoption of this ordinance.

Section 4. CEQA Compliance

The City Council has determined that the adoption of this ordinance is exempt from review under the California Environmental Quality Act (CEQA), pursuant to Section 15061(b)(3) of the CEQA Guidelines. Due to the nature of the proposed code revision, there is no evidence that a *significant* impact to the environment would occur as a result of adoption of the Ordinance.

Section 5. Effective Date

This ordinance becomes effective thirty (30) days after the date of its approval and adoption.

I HEREBY CERTIFY that the forgoing Ordinance was duly introduced at a regular meeting of the City Council of the City of Rio Dell on December 3, 2013 and furthermore the forgoing Ordinance was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell, held on the 17th of December 2013 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Jack Thompson, Mayor

ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above and foregoing to be a full, true and correct copy of Ordinance No. 309-2013 adopted by the City Council of the City of Rio Dell on December 17, 2013.

Karen Dunham, City Clerk, City of Rio Dell

675 Wildwood Avenue
Rio Dell, CA 95562



TO: Rio Dell City Council

FROM: Karen Dunham, City Clerk

THROUGH: Jim Stretch, City Manager

DATE: December 3, 2013

SUBJECT: Amending City Council meeting provisions on Election Day

RECOMMENDATION

Introduce and conduct first reading (by title only) of Ordinance No. 310-2013 Amending Council Meeting Regulations, Section 2.05.070 (Holidays) of the Rio Dell Municipal Code; open public hearing to receive public input, close public hearing and continue approval and adoption of Ordinance 310-2013 to the December 17, 2013 regular meeting.

BACKGROUND AND DISCUSSION

As you are aware, the November 5, 2013 Council meeting was rescheduled to November 7, 2013 pursuant to the current provisions of the Rio Dell Municipal Code (RDMC) which provides that, if a Council meeting falls on a holiday or election day, the meeting shall be held on the following Thursday. This provision was adopted to facilitate the use of City Hall Council Chambers as a polling place during elections. Although the polling place was moved to the Rio Dell School multi-purpose room many years ago, the code was never updated.

Staff presented this matter to the Council at the last meeting and asked for direction. Council directed staff to draft an amendment to the RDMC deleting any reference to rescheduling a Council meeting if it occurs on an election day.

ORDINANCE NO. 310-2013

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIO DELL AMENDING COUNCIL MEETING REGULATIONS, SECTION 2.05.070 (HOLIDAYS) OF THE RIO DELL MUNICIPAL CODE

WHEREAS, Rio Dell Municipal Code Section 2.05.070 currently provides that in the event that the first or third Tuesday of any month falls on a legal holiday or election day, the Council meeting shall be held on the following Thursday; and

WHEREAS, this provision was adopted to facilitate the use of the Council Chambers as a polling place during said elections; and

WHEREAS, the use of the Council Chambers is no longer needed for election purposes given that the local polling place is currently located at 95 Center St., Rio Dell; and

WHEREAS, staff does not believe that the automatic rescheduling of a regular Council meeting because of an election serves any public purpose, given that the polls are open from 7:00 AM to 8:00 PM and absentee ballots are easily available.

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Rio Dell does hereby amend Rio Dell Municipal Code Section 2.05.070 as follows:

Section 2.05.070 Holidays

In the event that the first or third Tuesday of any month falls on a legal holiday ~~or election day~~, the meeting shall be held on the following Thursday, at the same place and at the same hour.

Effective Date

This ordinance becomes effective thirty (30) days after its approval and adoption.

I HEREBY CERTIFY that the forgoing Ordinance was duly introduced at a regular meeting of the City Council of the City of Rio Dell on December 3, 2013 and furthermore the foregoing Ordinance was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell, held on the December 17, 2013, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Jack Thompson, Mayor

ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above and foregoing to be a full, true and correct copy of Ordinance No. 310-2013 adopted by the City Council of the City of Rio Dell on December 17, 2013.

Karen Dunham, City Clerk

675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



For Meeting of: December 3, 2013

To: City Council

From: Kevin Caldwell, Community Development Director



Through:  Jim Stretch, City Manager

Date: November 26, 2013

Subject: Nuisance Regulations Text Amendment Chapter 8.10 of the Rio Dell Municipal Code (RDMC).

Recommendation:

That the City Council:

1. Receive staff's report regarding the proposed text amendment; and
2. Open the public hearing, receive public input, and deliberate; and
3. Introduce Ordinance No. 311-2013 amending the current Nuisance regulations, Chapter 8.10 of the Rio Dell Municipal Code and continue consideration, approval and adoption of the proposed Ordinance to your meeting of December 17, 2013 for the second reading and adoption
4. Direct the City Clerk, within 15 days after adoption of the Ordinance, to post an adoption summary of the Ordinance with the names of those City Council members voting for or against, or otherwise voting in at least three (3) public places and to post in the office of the City Clerk a certified copy of the full text of the adopted Ordinance pursuant to Section 36933(a) of the California Government Code.

Background/Summary

As the Council is aware, the City adopted a revised Nuisance Ordinance in July of this year. The revised Nuisance Ordinance was adopted because some citations and references included in the previous Nuisance Ordinance were either outdated or incorrect.

The Community Development Department has recently assumed some of the City's code enforcement responsibilities to help out the Police Department. In assuming this role, staff has identified some needed minor revisions to the Nuisance Ordinance. The proposed changes are identified in the Draft Ordinance, Attachment 1.

The first revision includes adding the definitions of "Driveway" and "Improved Surface". Section 8.10.020(A)(6) of the Nuisance regulations, the definition of "Blight" reads as follows:

Vehicles parked in any surface other than "improved surface" or "driveway" as those terms are defined.

As indicated above, the terms "improved surface" and "driveway" are currently defined. Therefore staff is recommending that their definitions be added. Below are the proposed definitions:

(I) Driveway. *An improved all weather, including gravel, decomposed granite, asphalt, concrete or comparable surface, access road from a private or public street onto a parcel.*

(K) Improved Surface. *An improved all weather, including gravel, decomposed granite, asphalt, concrete or comparable surface.*

Staff is also recommending some minor grammatical revisions to capitalize the term "Notice of Violation", include a reference to the "City Manager" where "manager" is currently referenced and the capitalization of "Code Compliance Officer". Staff is also recommending that Section 8.10.150 "Service of Notice of Violation" be amended to require conformation of delivery of the Notice as is required for the Notice and Order to Abate.

Staff is also recommending that the required contents of the Notice and Order to Abate be expanded to provide full disclosure of the process and consequences of failing to comply with the Notice and Order to Abate. Below are the additional recommended statements:

(8) A statement regarding the range of the administrative, civil and/or criminal actions and monetary penalties, as described herein, that the City may impose for such violations if not corrected;

(9) A statement regarding the failure to obey order and abatement by the City or private contractor, including the City to obtain a warrant if required to enter upon the Premises for the purpose of abating the nuisance.

(10) A statement regarding the costs of abatement and that such person or persons who fail to abate the nuisance shall be liable to the City for any and all costs and expenses, including attorneys' fees, to the City involved in abating the nuisance.

(11) A statement regarding the procedure for assessing the costs for the abatement: If the person or persons liable to pay the costs of abatement fails to do so within thirty (30) calendar days of receiving the statement of such costs, the City may initiate proceedings to have such costs assessed against the real property or Premises on which the City abated the nuisance. Such proceedings and notice of such proceedings shall be performed in accordance with Section 54954.6 of the California Government Code. The costs of abatement shall be treated as a new assessment for purposes of Section 54954.6. No majority protest rights exist for this assessment. City staff shall present to the City Council a report of costs for abating the nuisance at the public meeting required by Section 54954.6.

(11) A statement regarding the total cost for abating a nuisance shall constitute a special assessment against the Premises to which it relates, and upon recordation in the office of the county recorder of a notice of lien, shall constitute a lien on the property for the amount of such assessment. The procedure for collecting abatement costs through a special assessment lien shall be in accordance with California Government Code Section 38773.5.

After such recordation, a copy of the lien shall be turned over to the county assessor, who shall then enter the amount of the lien on the assessment rolls as a special assessment. Thereafter, said amount shall be collected at the same time and in the same manner as ordinary municipal taxes are collected, and shall be subject to the same penalties and the same procedure under foreclosure and sale in case of delinquency as provided by Government Code Section 38773.5 and as provided for ordinary municipal taxes.

11. A statement informing the recipient of the names or names and phone numbers of the person to contact at the City should they have any questions regarding the process.

Staff has included for your information a copy of the Notice of Violation, Notice and Order to Abate Public Nuisance and the Notice of Release of a Notice and Order to Abate a Public Nuisance. Please see Attachments 2, 3 and 4.

Section 36933(a) of the California Government Code requires that the City Clerk, to post a summary of the Ordinance within 15 days of adoption with the names of those City Council members voting for or against, or otherwise voting in at least three (3) public places and to post in the office of the City Clerk a certified copy of the full text of the adopted Ordinance. A copy of the Post Adoption Summary is included as Attachment 5.

Financial Impact

The City is responsible for the costs associated with the proposed amendment. The cost is insignificant and will not result in additional budget expenditures or revisions.

Attachments:

1. Draft Ordinance No. 311-2013 amending the Nuisance Regulations, Chapter 8.10 of the Rio Dell Municipal Code.
2. Notice of Violation.
3. Notice and Order to Abate Public Nuisance.
4. Notice of Release of a Notice and Order to Abate a Public Nuisance.
5. Post Adoption Summary.

ORDINANCE NO. 311 – 2013



**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIO DELL
AMENDING THE CURRENT NUISANCE REGULATIONS, CHAPTER 8.10
OF THE RIO DELL MUNICIPAL CODE:**

THE CITY COUNCIL OF THE CITY OF RIO DELL ORDAINS AS FOLLOWS:

WHEREAS the City adopted a revised Nuisance Ordinance in July of this year; and

WHEREAS the revised Nuisance Ordinance was adopted because some citations and references included in the previous Nuisance Ordinance were either outdated or incorrect; and

WHEREAS the Community Development Department has recently assumed some of the City's code enforcement responsibilities to help out the Police Department; and

WHEREAS in assuming this role, staff has identified some needed minor revisions to the Nuisance Ordinance; and

WHEREAS the first revision includes adding the definitions of "Driveway" and "Improved Surface", 2013; and

WHEREAS staff is also recommending some minor grammatical revisions to capitalize the term "Notice of Violation", include a reference to the "City Manager" where "manager" is currently referenced and the capitalization of "Code Compliance Officer"; and

WHEREAS staff is also recommending that Section 8.10.150 "Service of Notice of Violation" be amended to require conformation of delivery of the Notice as is required for the Notice and Order to Abate; and

WHEREAS staff is also recommending that the required contents of the Notice and Order to Abate be expanded to provide full disclosure of the process and consequences of failing to comply with the Notice and Order to Abate; and

WHEREAS staff is also recommending that Section 8.10.150 "Service of Notice of Violation" be amended to require conformation of delivery of the Notice as is required for the Notice and Order to Abate

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Rio Dell does hereby ordain as follows:

Section 1. The Nuisance Regulations, Chapter 8.10 of the Rio Dell Municipal Code is hereby amended as follows:

Chapter 8.10

NUISANCES

Article 1. Nuisances Generally

8.10.010. Application.

The provisions of this chapter shall apply to all property throughout the City of Rio Dell wherein any of the conditions, hereinafter specified, are found to exist; provided, however, that any condition which would constitute a violation of this chapter, but which is duly authorized under any other City, state or federal law, shall not be deemed to violate this chapter.

8.10.020. Definitions.

For the purposes of this chapter, the following words shall have the specified meanings:

(A) Blight. For purposes of this Code, visual blight is any unreasonable, non permitted or unlawful condition or use of real property, Premises or of building exteriors which by reason of its appearance as viewed from the public right-of-way, *is detrimental to the property of others or to the value of property of others, offensive to the senses, or reduces the aesthetic appearance of the neighborhood. Visual blight includes, but is not limited to, the keeping, storing, depositing, scattering over or accumulation on the Premises any of the following:*

- (1) Lumber, junk, trash, debris, scrap metal, rubbish, packing materials, building materials.
- (2) Abandoned, discarded or unused objects or equipment such as furniture, stoves, appliances, refrigerators, freezers, cans or containers, automotive parts and equipment.
- (3) Abandoned, wrecked, disabled, dismantled or inoperative vehicles or parts thereof except inoperative vehicles that are not abandoned and are in an active state of renovation or restoration. For purposes of this article, "active state of renovation or restoration" means that the vehicle is actively being restored or renovated in a manner

intended to make the vehicle operational, and shall not include restoration or renovation that solely improves the interior or exterior appearance, but not the operation, of the vehicle. A vehicle shall only be permitted to be in an active state of renovation or restoration for a period that shall not exceed ninety days, whether consecutive or non-consecutive, out of any twelve month period.

(4) Stagnant water or excavations.

(5) Any personal property, object, device, decoration, design, fence, structure, clothesline, landscaping or vegetation which is unsightly by reason of its condition or its inappropriate location.

(6) Vehicles parked on any surface other than an "improved surface" or "driveway" as those terms are defined.

(7) Any condition of a building or structure deemed to be unsafe or that in the discretion of the City Manager or his/her designee, or the Department Head, would constitute a threat to public safety, health, or welfare, or poses a security problem by reason of dilapidation, fire hazard, disaster, damage or other similar occurrence specified in this Code or any other applicable law.

(8) Any condition of a building or portion thereof which constitutes a substandard building, as defined in Health and Safety Code Section 17920.3 or its successor.

(9) Filling of any swimming pool with water prior to the final safety inspection required by the California Code of Regulations, conducted by City inspectors and before such final inspection has been noted on the permit card obtained from the City.

(B) City. The City of Rio Dell, a municipal corporation of the State of California.

(C) City Council. The duly elected City Council for the City of Rio Dell.

(D) City Council Member. Any currently seated member of the City Council for the City of Rio Dell.

(E) City Manager. The City Manager for the City of Rio Dell.

(F) Code or City Code. The "Code" shall mean the Municipal Code for the City of Rio Dell.

(G) Code Compliance Administrator. The City Manager and the authorized representative(s) of the City Manager.

(H) Department Head. The Police Chief, the City Manager, and the City Attorney, and their authorized representative(s).

(I) Driveway. An improved all weather, including gravel, decomposed granite, asphalt, concrete or comparable surface, access road from a private or public street onto a parcel.

(J) Highway. Any road, street, alley, way or place of whatever nature, publicly maintained and opened to the use of the public for purposes of vehicular travel. Highway includes City streets.

(K) Improved Surface. An improved all weather, including gravel, decomposed granite, asphalt, concrete or comparable surface.

(L) Inoperative vehicle. Any vehicle which cannot be legally operated on the street because of lack of current registration or, lack of an engine, transmission, wheels, tires, windshield or any other part or equipment necessary to operate on public streets and/or highways.

(M) Junk. Any cast-off, damaged, discarded, junked, obsolete, salvage, scrapped, unusable, worn-out or wrecked object, thing or material, including but not limited to those composed in whole or in part of asphalt, brick, carbon, cement, plastic or other synthetic substance, fiber, glass, plaster, plaster of parts, rubber, terra cotta, wool, cotton, cloth, canvas, wood, metal, sand, organic matter or other substance.

(N) Junkyard. Any Premises on which any junk is abandoned, bailed, bartered, bought, brought, bundled, deposited, disassembled, disposed of, exchanged, handled, kept, stored or transported, regardless of whether or not such activity is done for profit.

(O) Notice and Order. A Notice and Order is legal notice which details structural or technical Code violations such as illegal construction, conversions, alterations, illegal plumbing, mechanical or electrical installations, dangerous buildings, substandard housing or similar.

(P) Owner. Owner of record of real property, occupant, lessee, or interested holder in same, as the case may be including the owner of real property whereon a vehicle(s) or part(s) thereof is located.

(Q) Person. Any individual, group of individuals, firm, entity or corporation owning, occupying or using any Premises.

(R) Planning Commission. The Planning Commission for the City of Rio Dell.

(S) Police Chief. The Police Chief for the City of Rio Dell.

(T) Premises. Any real property or improvements thereon located in the City of Rio Dell.

(U) Service Station. Any Premises upon which the improvements are designed and built for the primary purpose of selling to or providing others with fuels for internal combustion engines or motor vehicles, whether or not providing related automotive maintenance and repair service.

(F) V **Special Assessment Lien.** A special assessment lien is a lien placed on real property and is collected by the county tax assessor.

(U) W **Vehicle.** Any device by which any person or property may be propelled, moved, or drawn upon a highway, excepting a device moved exclusively by human power or used exclusively upon stationary rails or tracks.

8.10.030. Nuisances.

It is hereby declared unlawful and a public nuisance per se for any person owning, leasing, occupying and/or having charge or possession of any Premises or land in this City to permit, allow, or maintain such Premises or land such that any one or more of the following conditions or activities exist:

(A) Any condition recognized in law or equity as constituting a public nuisance including, without limitation, any condition on or use of property which would constitute a nuisance as defined in California Penal Code §§ Sections 370, 371 and/or 11225;

(B) Any dangerous, unsightly, or blighted condition that is detrimental to the health, safety or welfare of the public;

(C) Any condition that is in violation of any duly enacted ordinance of the Rio Dell Municipal Code, or resolution or lawful order promulgated by authorized City officials;

(D) Any condition in violation of Chapters 8, 15, and 17 of this Code, including any condition in violation of any written design finding, including design standard, design guideline, or development standard that may be adopted by resolution or ordinance from time to time by the City Council or the planning commission, or any condition imposed on any entitlement, permit, contract, or environmental document issued or approved by the City;

(E) Any condition in violation of Chapter 8.25 of this Code entitled "Premises Used for Drug Related Activity."

(F) Anything defined as a nuisance pursuant to state and federal law including but not limited to California Civil Code Section 3479 et seq.;

(G) Any condition in violation of the weed and rubbish abatement laws defined at Government Code Sections 39501 et seq. and 39560 et seq. as enacted or hereafter amended and enforced by City ordinance and resolutions;

(H) Any vacant, unoccupied or abandoned building or structure that is not reasonably secured against uninvited entry or that constitutes a fire hazard, or is in a state of unsightly or dangerous condition so as to constitute a blighted condition detrimental to property values in the neighborhood or otherwise detrimental to the health, safety and welfare of the public;

(I) Any condition that constitutes an attractive nuisance; those objects or conditions that, by their nature may attract children or other curious individuals including, but not limited to, unprotected hazardous or unfilled pools, ponds, including pools or ponds that have not been properly barricaded, ice boxes, refrigerators or excavations;

(J) Any condition that constitutes a visual Blight.

8.10.040. Responsibility for Property Maintenance.

(A) Every owner of real property within the City is required to maintain such property in a manner so as not to violate the provisions of this chapter and such owner remains liable for violations thereof regardless of any contract or agreement with any third party regarding such property.

(B) Every occupant, lessee, tenant or holder of any interest in property, other than as owner thereof, is required to maintain such property in the same manner as is required of the owner thereof, and the duty imposed on the owner thereof shall in no instance relieve those persons referred to from the similar duty.

Article 2. Enforcement

8.10.050. Authority.

(A) The City Manager is hereby authorized to administer and enforce all of the provisions of this chapter. In accordance with approved procedures, the City Manager may assign said authority to Department Heads and/or employ qualified officers, inspectors, assistants, and other employees as shall be necessary to carry out the provisions of this chapter. The authority of the City Manager to enforce the provisions of this chapter is independent of and in addition to the authority of other City officials to enforce the provisions of any other chapter of the City Code.

(B) Pursuant to California Code of Regulations, Title 25, Section 52, the procedures contained in this chapter are deemed to be equivalent for the purposes intended by, and may be used in lieu of, the regulations and procedures for abatement contained in Article 6 of Subchapter 1 of Chapter 1 of Division 1 of Title 25 of the California Code of Regulations which addresses mobile homes and parks.

(C) Nothing in this chapter shall be construed to limit the authority of the Police Chief of the City to enforce all laws within the Police Chief's jurisdiction.

8.10.060. Right of Entry.

(A) Whenever it is necessary to make an inspection of any Premises to enforce the provisions of this chapter, and to the extent authorized by law, the Code Compliance Administrator or a

Department Head authorized by the Code Compliance Administrator may enter on such Premises at all reasonable times to inspect the same or to perform any duty imposed upon him/her by this Code, subject to the requirements of Amendment IV of the United States Constitution and any other provisions of applicable law.

(B) Whenever practicable, the Code Compliance Administrator or the Department Head shall contact the occupant of such Premises 24 hours prior to entry and inform the occupant of the reasons for such entry onto such property, and if the occupant is other than the owner, the Code Compliance Administrator or the Department Head shall also, if practicable, contact such owner. This does not prevent entering the property within the 24 hours of notification with the owner or occupant's permission.

(C) If entry onto any Premises is denied by the owner or occupant of such Premises, or by any third party, the Code Compliance Administrator or authorized Department Head shall have recourse to every remedy provided by law to secure peaceable entry on such Premises to perform the duties required by this chapter.

8.10.070. Violations and Penalties.

(A) It shall be unlawful for any person, firm, corporation, or other entity to violate any provision of this chapter. Any person, firm, corporation, or other entity, whether as owner, lessee, sub lesser, sub lessee, or occupant of any Premises that violates the provisions of this chapter or any order issued pursuant to this chapter shall be subject to any or all of the following:

(1) Such person shall be subject to summary or administrative abatement of the nuisance by the City, and be subject to fines, civil penalties, fees and costs, including reasonable attorney fees imposed by the City pursuant to the summary or administrative abatement procedures contained in the City Code or any other provisions of law;

(2) Such person shall be guilty of a misdemeanor for each day such violation continues, and upon conviction thereof, shall be punished for each violation by a fine not to exceed **one thousand dollars**, or by imprisonment of not longer than six months, or both for each violation;

(3) Such person shall be prosecuted in a civil action, criminal action, or both brought by the City. The City Attorney or other authorized legal representative may bring an action in a court of competent jurisdiction to enjoin or prosecute any nuisance violation of this chapter, or violation of any other ordinance of the City;

(4) Each and every day that any such violation continues to exist shall constitute a continuing and separate offense.

8.10.080. Additional Enforcement.

Nothing in this chapter shall be deemed to prevent the City from commencement of any available administrative, civil and/or criminal proceeding to abate a nuisance pursuant to all applicable provisions of law as an alternative and/or in addition to any enforcement proceedings set forth in this chapter.

8.10.090. Cumulative Remedies.

The remedies set forth in this chapter include summary and administrative abatement, administrative citations, civil actions, criminal actions and all other remedies provided for by law. All remedies set forth in this chapter and in all City ordinances for the abatement or punishment of any violation thereof, are cumulative and may be pursued alternatively or in combination. Provisions of this Code are to be supplementary and complementary to all of the City ordinances, the Rio Dell Municipal Code, state law, and any law cognizable at common law or in equity, and nothing herein shall be read, interpreted or construed in any manner so as to limit any existing right or power of the City to abate any and all nuisances and to enforce its ordinances.

8.10.100. Permits Required.

When a permit is required to correct a Code violation pursuant to a Code compliance action, the property owner shall complete the permit, including all inspections, corrections, and work in accordance with a timeline established by the Code Compliance Administrator. In establishing the timeline the Code Compliance Administrator shall provide a time frame, which in his or her judgment, is reasonable to expeditiously complete the permit. Failure to strictly adhere to the established timeframe shall be deemed a continuing violation subject to the remedies established in this article. Nothing in this chapter shall be construed to relieve the violator from payment of any and all costs incurred by the City in enforcing and/or causing the abatement of any violation of the City of Rio Dell Municipal Code.

Article 3. Summary Abatement

8.10.110. Summary Abatement.

(A) The City may immediately abate any nuisance or violation of this chapter that poses a clear and imminent danger to, or requires immediate action to prevent or mitigate the loss or impairment of, life, health, property, or essential public services. The City may perform this abatement without providing prior notice or hearing to the owner or occupier of the offending Premises. Such summary abatement may proceed only upon the authorization of the City ~~m~~Manager and the City Attorney, or their respective designees. The abatement shall include all actions necessary to secure the Premises to prevent further occurrences of the nuisance.

(B) The owner and/or occupier of the Premises or the persons creating, causing, committing, or maintaining the nuisance shall be subject to any administrative fines, penalties, fees and costs, including reasonable attorney fees, imposed or incurred by the City pursuant to this chapter.

(C) Any abatement performed by the City pursuant to this section shall be at the expense of the owner and/or occupier of the Premises or the persons creating, causing, allowing, permitting, committing, or maintaining the nuisance. The City shall recover its expenses pursuant to the special assessment lien procedures contained in this Code or any other applicable provision of law.

(D) As soon as practicable following completion of the abatement, the Code Compliance Administrator or the Department Head shall issue a ~~a~~ Notice of ~~violation~~ and/or Notice and Order in accordance with this chapter. Persons receiving such notice shall be entitled to all hearing rights as provided herein.

(E) If a structure is deemed untenable pursuant to California Civil Code § 1941.1 and the Code ~~e~~Compliance ~~o~~fficer determines that the structure is in such a condition as to make it immediately dangerous to the health and safety of the occupants or public, it shall be ordered to be vacated and posted as unsafe.

Article 4. Administrative Abatement

8.10.120. Commencement of Proceedings.

(A) Whenever the Code Compliance Administrator or the Department Head has inspected or caused to be inspected any Premises or condition and has found and determined that such Premises or condition are in violation of this chapter, and that such violation does not pose an immediate danger to health or safety, the City Manager or his/her designee may commence proceedings to cause abatement of the nuisance as provided herein. When the City Manager or his/her designee, or Department Head has found that a violation of this chapter poses an immediate danger to health or safety, the City Manager or his/her designee, or Department Head may pursue any remedies available under this chapter or by law, including, but not limited to, summary abatement or administrative citation.

(B) Once proceedings have been commenced pursuant to this chapter to declare a public nuisance, no Premises or building shall be deemed to be in compliance with this chapter solely because such building or Premises thereafter becomes occupied or unoccupied.

8.10.130. Notice of Violation.

(A) Upon determination by the Code Compliance Administrator or the Department Head that a premise is in violation of this chapter, and a ~~a~~ Notice of ~~violation~~ and/or a Notice and Order has not been issued against the same Premises, or the same property owner but at a different premise, address or location, within the City, within the last twelve months, and that the

violation does not create an immediate danger to health or safety, City Manager or his/her designee or the Department Head may issue a ~~a~~ Notice of ~~violation~~ to the owner of record of the Premises and to the occupant of the Premises, if any. The ~~a~~ Notice of ~~violation~~ shall contain:

- (1) The name and address of the person, firm, or corporation in violation, and the street address of the property where the violation is present;
- (2) A statement specifying the condition(s) which constitute a nuisance;
- (3) A statement explaining which specific Code sections has been violated;
- (4) The range of the administrative, civil and/or criminal actions and monetary penalties, as described herein, that the City may impose for such violations if not corrected;
- (5) An order to correct the violation within a date certain, said date which shall be specified on the notice of violation and determined by the specific violation; and
- (6) A statement informing the recipient of the name and office telephone number of the person to contact should the recipient desire to explain why he or she believes
 - (a) the Premises should not be declared to be a public nuisance and abated,
 - (b) penalties should not be assessed, and
 - (c) the costs of such abatement should not become a charge and lien against the Premises. The Department Head may rescind or modify the ~~a~~ Notice of ~~violation~~ based on substantive evidence presented by the recipient.

8.10.140. Stop Work Order.

If the violation is related to a permit, license or other approval of a project, the notice of violation may be accompanied by a stop work order which orders the recipient to stop immediately any and all work on the project that is subject to the permit, license or approval until the violation is corrected.

8.10.150. Service of Notice of Violation.

A copy of the notice of violation, and any amended or supplemental notices, shall be served either by personal delivery or by First Class U.S. mail, postage prepaid with confirmation of delivery by the U.S. Postal Service, upon the record owner at the address as it appears on the latest equalized assessment roll of Humboldt County, and upon the occupant of the Premises, if any. If neither of these methods result in the notice being served upon the record owner and

any occupants after reasonable attempts to serve, a copy of the notice shall be posted on the Premises.

8.10.160 Notice and Order—Structural and Technical

Notice and Orders are primarily used for structural or technical Code violations such as illegal construction, conversions, alterations, illegal plumbing, mechanical or electrical installations, dangerous buildings, substandard housing or similar. When issued, the violation must be remedied in thirty calendar days, unless there is an immediate danger risk. If there is an eminent threat of danger the violation must be remedied immediately.

(A) Grounds for Issuance. A Notice and Order may be issued under any of the following circumstances:

- (1) When a Notice of Violation has been served, and the specified time has passed without adequate correction and abatement of the violation;
- (2) When a stop work order has been issued but has not been complied with;
- (3) When the City has performed a summary abatement pursuant to this chapter;
- (4) When the same type or character of violation has been committed by the same person, or on the same Premises, or a notice of violation, an administrative citation, or a Notice and Order has been served on the same person, or on the same Premises, within the past twelve months.

(B) Contents of Notice and Order. A Notice and Order shall contain the following:

- (1) The name and address of the person, corporation, or entity in violation, and the street address of the property where the violation is present;
- (2) A statement specifying the condition(s) which constitute a violation and nuisance;
- (3) A statement explaining which specific Code section(s) have been violated;
- (4) A statement informing the recipient of the number of days from the date of the Notice and Order the recipient has to voluntarily abate the violation and nuisance;
- (5) A statement informing the recipient of his or her right to appeal the determination to a hearing officer by filing with the City Clerk within ten calendar days from the date of the Notice and Order, and on a form available from the City of Rio Dell, a written statement requesting a hearing and providing a factual and specific explanation of:

(a) why the Premises should not be declared to be a public nuisance and abated;
and

(b) why the costs of such abatement should not become a special assessment
lien against the Premises;

(6) A statement informing the recipient of the Notice that there is a fee, which is set by resolution by the City Council of the City of Rio Dell that must be deposited at the time an appeal is filed.

(7) A statement that if the person, corporation or entity fails to abate the violation and nuisance or fails to file within ten calendar days, a request for an appeal hearing, the Notice and Order shall be final and not subject to judicial review, and all persons served with such notice shall be deemed to have consented to the abatement of the nuisance and that, at the election of the City, the City will abate the nuisance and the costs of such abatement may be charged against the Premises and may be recorded as a special assessment lien against the Premises.

(8) A statement regarding the range of the administrative, civil and/or criminal actions and monetary penalties, as described herein, that the City may impose for such violations if not corrected;

(9) A statement regarding the failure to obey order and abatement by the City or private contractor, including the City to obtain a warrant if required to enter upon the Premises for the purpose of abating the nuisance.

(10) A statement regarding the costs of abatement and that such person or persons who fail to abate the nuisance shall be liable to the City for any and all costs and expenses, including attorneys' fees, to the City involved in abating the nuisance.

(11) A statement regarding the procedure for assessing the costs for the abatement: If the person or persons liable to pay the costs of abatement fails to do so within thirty (30) calendar days of receiving the statement of such costs, the City may initiate proceedings to have such costs assessed against the real property or Premises on which the City abated the nuisance. Such proceedings and notice of such proceedings shall be performed in accordance with Section 54954.6 of the California Government Code. The costs of abatement shall be treated as a new assessment for purposes of Section 54954.6. No majority protest rights exist for this assessment. City staff shall present to the City Council a report of costs for abating the nuisance at the public meeting required by Section 54954.6.

(11) A statement regarding the total cost for abating a nuisance shall constitute a special assessment against the Premises to which it relates, and upon recordation in the office of the county recorder of a notice of lien, shall constitute a lien on the

property for the amount of such assessment. The procedure for collecting abatement costs through a special assessment lien shall be in accordance with California Government Code Section 38773.5.

After such recordation, a copy of the lien shall be turned over to the county assessor, who shall then enter the amount of the lien on the assessment rolls as a special assessment. Thereafter, said amount shall be collected at the same time and in the same manner as ordinary municipal taxes are collected, and shall be subject to the same penalties and the same procedure under foreclosure and sale in case of delinquency as provided by Government Code Section 38773.5 and as provided for ordinary municipal taxes.

11. A statement informing the recipient of the names or names and phone numbers of the person to contact at the City should they have any questions regarding the process.

(C) Service of Notice and Order.

(1) Persons Entitled to Service. The Notice and Order shall be served upon the owner of the Premises, any occupants of the Premises, and any other person, corporation, or entity in violation. If the City proposes to impose a special assessment lien on the property, the City official issuing the Notice and Order shall also serve one copy on each of the following if known or disclosed from official public records:

(a) the holder of any mortgage, deed of trust, or other encumbrance of record; and

(b) the owner or holder of any lease of record. The failure of the City official issuing the order to serve any person required to be served shall not invalidate any proceedings under this chapter or relieve any person who was duly served from any duty or obligation imposed on him/her by the provisions of this section.

(2) Method of Service. Unless otherwise provided in this section, service of a Notice and Order shall be made by personal service or by First Class U.S. mail, postage prepaid with confirmation of delivery by the U.S. Postal Service. Service on any property owner in violation is deemed complete when it is served or delivered at the address listed by the property owner on the latest equalized assessment roll of Humboldt County, or as known to the City official issuing the order. If personal service or service by mail with confirmation of delivery is not reasonably feasible, service of the Notice and Order may be made by posting the notice on the subject Premises and sending a copy by regular United States mail service. Service posting in the manner herein provided shall be effective on the date of posting. As an alternative, substituted service of the Notice and Order may be made as follows:

- (a)
 - (i) By leaving a copy during usual business hours at the recipient's business with the person who is apparently in charge, and then mailing a copy by first-class mail to the recipient at the address where the copy was left; or
 - (ii) By leaving a copy at the recipient's dwelling or usual place of abode, in the presence of a competent member of the household, and then mailing a copy by first-class mail to the recipient at the address where the copy was left.
- (b) If the party entitled to service has a property manager or rental agency overseeing the Premises, substituted service may be made as set forth in above upon the property manager or rental agency.
- (c) Substituted service may be made by posting the Notice and Order on the Premises and mailing a copy of the Notice and Order to the person, corporation, or entity in violation at the address of the property on which the violation has occurred or is occurring.
- (d) If the person, corporation, or entity in violation or other person entitled to service cannot be located or service cannot be made as set forth in this section, service may be made by publication in a newspaper of general circulation in Humboldt County. Service shall be deemed sufficient when it is accomplished pursuant to Government Code Section 6063.

(D) Record. Preparation of a record of the proceeding shall be governed by California Code of Civil Procedure Section 1094.6, as presently written or hereinafter amended.

8.10.170. Appeal Hearing—Notice and Order.

(A) Payment of Appeal Fee. Any person, corporation, or entity seeking to appeal a Notice and Order shall be required to pay to the City, at the time the appeal is requested, a nonrefundable appeal fee to be set by resolution of the City Council. The appeal fee is intended to cover the costs, expenses, and City employees' time incurred by the City in processing, preparing for, and hearing of the appeal. No appeal request is valid unless accompanied by the appeal fee or a City hardship waiver is granted.

(1) **Hardship Waiver.** If the appealing party establishes to the satisfaction of the City Manager or designee, by means of tax returns, pay stubs or other similar documentary evidence, and submits a declaration under penalty of perjury that paying the appeal fee would cause undue financial hardship to the appealing party the City Manager may grant a waiver of the appeal fee. The City Manager's determination is not appealable and shall be final as to the hardship waiver request.

(B) Hearing Committee. The appeal shall be heard by a committee (the "Hearing Committee"). The Hearing Committee shall consist of two Members of the City Council and the City Manager, plus one alternate City Council Member to facilitate timely hearings pursuant to this ordinance and resolve any potential conflicts of interest. The alternate City Council Member shall only participate in appeals where one of the other two City Council Members is unable to serve due to scheduling concerns or a conflict of interest. City Council Members shall be selected to serve on the Hearing Committee at the same time that other committees are formed by the City Council. Committee members shall not participate in the hearing process in cases when the member has had a substantial personal involvement with the party requesting the hearing and that personal involvement is a conflict of interest. The Hearing Committee shall be advised by the City Attorney to ensure proper legal procedures are followed and adhered to.

(C) Setting Appeal Hearing. The appeal hearing shall be set by the City Manager or his or her designee, and notice of the appeal hearing shall be sent to the appellant by first class mail at the address provided with the written appeal request. The appeal hearing shall be set for a date no sooner than twenty (20) days following a request for an appeal hearing. Notice of the appeal hearing shall be mailed at least fifteen (15) days before the date set for hearing.

(D) Conduct of Appeal Hearing.

(1) **Testimony at the Hearing.** At the time set for the appeal hearing, the Hearing Committee shall proceed to hear testimony from the representative of the City, the appellant, and any other competent persons with respect to the determination of a violation and nuisance or the imposition of an administrative penalty.

(2) **Record of Oral Evidence at Hearing.** The proceedings at the hearing shall be reported by a tape recording, or video recording. Either party may provide a certified shorthand reporter to maintain a record of the proceedings at the requesting party's own expense.

(3) **Continuances.** The Hearing Committee may, upon request of the person, corporation, or entity against whom a penalty is to be imposed, or upon request of the City, grant continuances from time to time for extreme or unusual cause shown, or upon the Hearing Committee's own motion.

(4) **Oaths; Certification.** The City Clerk or certified shorthand reporter shall administer the oath or affirmation.

(5) **Evidence Rules.** Government Code Section 11513, subsections (a), (b), and (c) shall apply to all administrative hearings. At the Hearing Committee's sole discretion, other relevant evidence may be admissible and hearsay evidence may be used for the purpose of supplementing and explaining other evidence.

(6) Burden of Proof. The accuracy of the Notice and Order containing the description of the violations and/or public nuisance and the actions required to abate such nuisance or violation is deemed a rebuttable presumption and the burden is on the appellant to provide such facts and information to overcome such presumption by a preponderance of the evidence.

(7) Rights of Parties.

(a) Each party shall have the following rights among others:

(i) To call and examine witnesses on any matter relevant to the issues of the hearing;

(ii) To introduce documentary and physical evidence;

(iii) To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;

(iv) To impeach any witness regardless of which party first called that witness to testify;

(v) To rebut the evidence against him or her;

(vi) To represent himself or herself or to be represented by anyone of his or her choice.

(b) If a party does not proficiently speak or understand the English language, that party may provide an interpreter, at that party's own cost, to translate for the party. An interpreter shall not have been a resident of the Premises or have had any personal relationship with or involvement in the parties or issues of the case prior to the hearing.

(8) Official Notice. In reaching a decision, the Hearing Committee may take official notice, either before or after submission of the case for decision, of any fact which may be judicially noticed by the courts of this state or which may appear in any of the official records of the City or county, or any of their departments.

(9) Inspection of the Premises.

(a) The hearing officer may inspect the Premises involved in the hearing prior to, during, or after the hearing, provided that:

(i) Notice of such inspection shall be given to the parties before the inspection is made;

(ii) The parties consent and are given an opportunity to be present during the inspection; and

(iii) The hearing officer shall state for the record during the hearing, or file a written statement after the hearing for inclusion in the hearing record, upon completion of the inspection, the material facts observed and the conclusions drawn there from.

(b) Each party shall then have a right to rebut or explain the matters so stated by the hearing officer either for the record during the hearing or by filing a written statement after the hearing for inclusion in the hearing record.

(c) Notice to the parties or the owner(s)' consent to inspect the building and surrounding properties is not required if the property can be inspected from areas in which the general public has access or with permission of the other persons authorized to provide access to the property on which the building is located.

(E) Form and Contents of the Decision; Finality of Decision.

(1) Format of Hearing Committee's Decision. The Hearing Committee shall issue a written decision containing findings of fact and a determination of the issues presented. The Hearing Committee may affirm, modify or reverse the notice of violation or the Notice and Order imposed by the City or find that the imposition of the penalty is not warranted or is not in the interest of justice.

(2) Contents of Hearing Committee's Decision. If it is shown by a preponderance of all the evidence that the condition of the Premises constitutes a violation of the Rio Dell Municipal Code or is a public nuisance as defined in this chapter, the decision shall declare the Premises to be a public nuisance and shall order and require the appellant to abate the nuisance not later than ten calendar days after the issuance of the decision or, if ten calendar days is insufficient to abate the nuisance, within such other time as specified by the Hearing Committee not to exceed sixty days. The decision shall inform the appellant that if the nuisance is not abated within the time specified, the nuisance may be abated by the City in such manner as may be ordered by the Department Head and the expense thereof made a special assessment lien upon the property involved. This is in addition to any other legal remedies that the City may choose to compel compliance.

(3) Service of the Hearing Committee's Decision. Upon issuance of the decision, the City shall serve a copy on the appellant by first class mail to the address provided by appellant in the written notice of appeal. The Hearing Committee's decision shall be deemed served three days after the date it is mailed to the address provided by the appellant.

(4) Finality of Hearing Committee's Decision. The decision of the Hearing Committee on an appeal of a Notice and Order shall constitute the final administrative decision of the City and shall not be appealable to the City Council or any committee or commission of the City.

Article 5. Enforcement of Hearing Committee Order

8.10.180. Generally

After any notice of violation or any decision of a Hearing Committee made pursuant to this chapter has become final, no person to whom any such order is directed shall fail, neglect or refuse to obey such order.

8.10.190. Failure to Obey Order—Abatement by City.

(A) If, after any notice of violation or any order of a Hearing Committee made pursuant to this chapter has become final, the person to whom such order is directed shall fail, neglect or refuse to obey such order, the Department Head is authorized and directed to cause the nuisance to be abated by City personnel or private contract. In furtherance of this section, the Department Head shall obtain a warrant, if required, and thereafter is expressly authorized to enter upon the Premises for the purpose of abating the nuisance.

(B) Additionally, any person who fails to obey such order shall be guilty of a misdemeanor punishable as specified in Section 8.10.070(a)(2) of this chapter.

8.10.200. Interference with Work Prohibited.

No person shall obstruct, impede or interfere with any officer, employee, contractor or authorized representative of the City, or with any person who owns or holds any estate or interest in any Premises on which a nuisance exists and which must be abated under the provisions of this chapter, whenever such officer, employee, contractor or authorized representative of the City, or person having an interest or estate in such Premises is engaged in the work of abating any nuisance as required by the provisions of this chapter, or in performing any necessary act preliminary to or incidental to such work authorized or directed pursuant to this chapter.

8.10.210. Costs of Abatement.

(A) The Department Head shall keep an account of the costs and expenses of abating such nuisance, and the City shall render a statement of such costs to the person or persons receiving the notice to abate.

(B) Such person or persons receiving the notice of violation or decision of the hearing officer shall be liable to the City for any and all costs and expenses to the City involved in abating the

nuisance. Such costs and expenses are due upon receipt of the statement required in subsection (A) of this section.

(C) Costs and expenses as referred to in this section shall include all costs allowed to be recovered by law, including attorneys' fees as allowed by Government Code Section 38773.5 or its successor.

8.10.220. Procedure for Assessing Costs.

If the person liable to pay the costs of abatement fails to do so within thirty calendar days of receiving the statement of such costs, the City may initiate proceedings to have such costs assessed against the real property or Premises on which the City abated the nuisance. Such proceedings and notice of such proceedings shall be performed in accordance with Section 54954.6 of the California Government Code. The costs of abatement shall be treated as a new assessment for purposes of Section 54954.6. No majority protest rights exist for this assessment. The Department Head shall present to the City Council a report of costs for abating the nuisance at the public meeting required by Section 54954.6.

8.10.230. Assessment of Costs—Special Assessment Lien Against Property.

(A) The total cost for abating a nuisance shall constitute a special assessment against the Premises to which it relates, and upon recordation in the office of the county recorder of a notice of lien, shall constitute a lien on the property for the amount of such assessment. The procedure for collecting abatement costs through a special assessment lien shall be in accordance with California Government Code Section 38773.5.

(B) After such recordation, a copy of the lien shall be turned over to the county assessor, who shall then enter the amount of the lien on the assessment rolls as a special assessment. Thereafter, said amount shall be collected at the same time and in the same manner as ordinary municipal taxes are collected, and shall be subject to the same penalties and the same procedure under foreclosure and sale in case of delinquency as provided by Government Code Section 38773.5 and as provided for ordinary municipal taxes.

Article 6. Additional Provisions Governing Abatement of Vehicles

8.10.240. Application of Article.

The requirements of this article apply to any action taken under this chapter to abate as a public nuisance an abandoned, wrecked, dismantled or inoperative vehicle or parts thereof from private or public property.

8.10.250. Exemptions.

(A) This article shall not apply to:

(1) A vehicle, or part thereof, that is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property; or

(2) A vehicle, or part thereof, that is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed vehicle dealer, or a junkyard.

(B) Nothing in this section shall authorize the maintenance of a public or private nuisance as defined under provisions of a law other than Chapter 10, commencing with Section 22650, of Division 11 of the California Vehicle Code and this article.

8.10.260. Article Not Exclusive Regulation.

This article is not the exclusive regulation of abandoned, wrecked, dismantled or inoperative vehicles within the City. It shall supplement and be in addition to the other regulatory Codes, statutes and ordinances heretofore or hereafter enacted by the City, the state or any legal entity or agency having jurisdiction.

8.10.270. Persons Granted Franchise or Contract—Right of Entry.

When the City has contracted with or granted a franchise to any person or persons, such person or persons shall be authorized to enter upon private or public property to remove or cause the removal of a vehicle or parts thereof declared to be a nuisance pursuant to this article.

8.10.280. Assessment of Administrative Costs Determination.

Administrative costs incurred by the City under this article shall be assessed pursuant to Article 8.10.220 of this chapter.

8.10.290. Abatement and Removal Authority.

Upon discovering the existence of an abandoned, wrecked, dismantled or inoperative vehicle, or parts thereof, on private property or public property within the City, the Department Head shall have the authority to cause the abatement and removal thereof in accordance with the procedure prescribed in this chapter.

8.10.300. Notice of Violation for Abandoned or Inoperable Vehicles.

A notice of violation to abate and remove a vehicle or parts thereof as a public nuisance, as required by Section 8.10.130, shall be served by registered or certified mail on the owner of the land as shown on the last equalized assessment roll and the owner of record of the vehicle, unless the vehicle is in such condition that identification numbers are not available to determine ownership. The notice of violation shall comply with Section 8.10.140, and also shall be in substantially the following forms:

**NOTICE OF INTENTION TO ABATE AND
REMOVE AN ABANDONED, WRECKED,
DISMANTLED, OR INOPERATIVE
VEHICLE OR PARTS THEREOF AS
A PUBLIC NUISANCE**

(Name and address of owner or land)

As owner shown on the last equalized assessment roll of the land located at (address), you are hereby notified that the undersigned, pursuant to Rio Dell Municipal Code Chapter 8.15 has determined that there exists upon your land an abandoned, wrecked, dismantled or inoperative vehicle (or parts thereof) registered to _____, license number _____, which constitutes a public nuisance pursuant to provisions of Chapter 8.10. You are hereby notified to abate the nuisance by removing the vehicle (or parts of the vehicle) within ten (10) days from the date of mailing of this notice. If you fail to remove the vehicle or parts within ten (10) days, the City will abate the nuisance by removing the vehicle or parts to a scrap yard or automobile dismantler's yard, after which the vehicle or parts shall not again be made operable or reconstructed.

Removal costs and administrative costs will then be assessed to you as owner of the land on which the vehicle or parts are located. As owner of the land on which the vehicle or parts of the vehicle are located, you are hereby notified that you may, within ten (10) days after the mailing of this notice, request a public hearing. If such a request is not received by the Department Head within the ten (10) day period, the Department Head shall have the authority to abate and remove the vehicle or parts of the vehicle as a public nuisance and assess the removal and administrative costs without a public hearing. You may submit a sworn written statement within such ten (10) day period denying responsibility for the presence of the vehicle or parts of the vehicle on your land, with your reasons for denial. Such statement shall be construed as a request for hearing at which your presence is not required.

You may appear in person at the hearing requested by you or the owner of the vehicle or, in lieu thereof, may present a sworn written statement in time for consideration at the hearing. You may, through such sworn written statement deny responsibility for the presence of the vehicle or parts on your land with your reasons for denial.

Notice mailed _____ (date) [Department Head]

**NOTICE OF INTENTION TO ABATE AND
REMOVE AN ABANDONED, WRECKED,
DISMANTLED OR INOPERATIVE
VEHICLE OR PARTS THEREOF AS
A PUBLIC NUISANCE**

(Name and address of last registered and/or legal owner of record of vehicle—Notice should be given to both if different)

As the last registered (and/or legal) owner of record of (description of vehicle - make, model, license, etc) you are hereby notified that the undersigned pursuant to Rio Dell Municipal Code Chapter 8.15, has determined that the vehicle (or parts of the vehicle) exist as an abandoned, wrecked, dismantled, or inoperative vehicle at (describe location on public or private property) and constitutes a public nuisance pursuant to the provisions of Chapter 8.15.

You are hereby notified to abate the nuisance by removing the vehicle or parts of the vehicle within ten (10) days from the date of mailing of this notice. If you fail to remove the vehicle or parts within ten (10) days, the City will abate the nuisance by removing the vehicle or parts to a scrap yard or automobile dismantler's yard, after which the vehicle or parts shall not again be made operable or reconstructed.

Removal costs and administrative costs will then be assessed to you as owner of the land on which the vehicle or parts are located. As registered (and/or legal) owner of record of the vehicle (or parts of the vehicle), you are hereby notified that you may, within ten (10) days after mailing of this notice, request a public hearing. If such a request is not received by the Department Head within the ten (10) day period, the Department Head shall have the authority to abate and remove the vehicle or parts of the vehicle without hearing.

Notice mailed _____ (date) [Department Head]

8.10.310. Hearing—Generally.

Upon request by the owner of the vehicle or owner of the land received by the Department Head within ten days after the mailing of the notices of intention to abate and remove, a public hearing shall be held in accordance with Section 8.10.170 on the question of abatement and removal of the vehicle or parts thereof as an abandoned, wrecked, dismantled or inoperative vehicle, and the assessment of the administrative costs and the cost of removal of the vehicle or parts thereof against the property on which it is located.

The owner of the land on which the vehicle is located may appear in person at the hearing or may present a sworn written statement denying responsibility for the presence of the vehicle on the land, with his or her reasons for the denial. If it is determined at the hearing that the vehicle was placed on the land without the consent of the landowner and that the landowner has not subsequently acquiesced to its presence, then the City shall not assess costs of

administration or removal of the vehicle against the property upon which the vehicle is located or otherwise attempt to collect those costs from the landowner, if the vehicle has been removed from the property

8.10.320. Hearing—Presence of Owner Not Required—Abatement Without Hearing.

If the owner of the land submits a sworn written statement denying responsibility for the presence of the vehicle on his or her land within ten days after the mailing of the notice of violation to abate and remove, the statement shall be construed as a request for a hearing that does not require the owner's presence. If such a request for hearing is not received within the ten days after mailing of the notice of intention to abate and remove, the City shall have the authority to abate and remove the vehicle or parts thereof as a public nuisance without holding a public hearing.

8.10.330. Order Requiring Removal.

At the conclusion of the public hearing, the Hearing Committee may find that a vehicle or parts thereof has been abandoned, wrecked, dismantled or is inoperative on private or public property and order the same removed from the property as a public nuisance and disposed of as provided in this article and determine the administrative costs and the cost of removal to be charged against the owner of the land. The order requiring removal shall include a description of the vehicle or parts thereof and the correct identification number and license number of the vehicle, if available at the site.

8.10.340. Hearing—Non-assessment of Costs.

If it is determined at the hearing that the vehicle was placed on the land without consent of the owner of the land and that he or she has not subsequently acquiesced in its presence, the Hearing Committee shall not assess the costs of administration or removal of the vehicle against the property upon which the vehicle is located or otherwise attempt to collect such costs from such owner of the land.

8.10.350. Hearing—Notification of Decision.

If the owner of the land submits a sworn written statement denying responsibility for the presence of the vehicle on his or her land but does not appear, or if an interested party makes a written presentation to the hearing officer but does not appear, he or she shall be notified in writing of the decision.

8.10.360. Removal—When

Once the decision of the Hearing Committee becomes final, the vehicle or parts thereof found to be a public nuisance may be disposed of by removal to a scrap yard or automobile

dismantler's yard ten calendar days after adoption of the order declaring the vehicle or parts thereof to be public nuisance. After a vehicle has been removed it shall not thereafter be reconstructed or made operable, unless it is a vehicle that qualifies for either horseless carriage license plates or historical vehicle plates, pursuant to California Vehicle Code Section 5004, in which case the vehicle may be reconstructed or made operable.

8.10.370. Removal—Notice to Department of Motor Vehicles.

Within five days after the date of removal of the vehicle or parts thereof, notice shall be given to the Department of Motor Vehicles identifying the vehicle or parts thereof removed. At the same time there shall be transmitted to the Department of Motor Vehicles any evidence or registration available, including registration certificates, certificates of title and license plates.

8.10.380. Removal—Costs—Assessment—Collection.

If the administrative costs and the cost of removal which are charged against the owner of the land pursuant to Section 8.10.280 are not paid within thirty days of the date of the order, such costs shall be assessed against the parcel of land pursuant to Section 38773.5 of the Government Code and shall be transmitted to the assessor for placement on the property tax roll and collected by the tax collector. The assessment shall have the same priority as other City taxes.

Section 2. Severability

If any provision of the ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

Section 3. Limitation of Actions

Any action to challenge the validity or legality of any provision of this ordinance on any grounds shall be brought by court action commenced within ninety (90) days of the date of adoption of this ordinance.

Section 4. Effective Date

This ordinance becomes effective thirty (30) days after the date of its approval and adoption.

I HEREBY CERTIFY that the forgoing Ordinance was duly introduced at a regular meeting of the City Council of the City of Rio Dell on December 3, 2013 and furthermore the forgoing Ordinance was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell, held on the December 17, 2013 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Jack Thompson, Mayor

ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above and foregoing to be a full, true and correct copy of Ordinance No. 311-2013 adopted by the City Council of the City of Rio Dell on December 17, 2013.

Karen Dunham
City Clerk, City of Rio Dell

Recording Requested By & For Benefit Of:

City of Rio Dell
675 Wildwood Avenue
Rio Dell, CA. 95562

Return To:

City of Rio Dell
675 Wildwood Avenue
Rio Dell, CA. 95562

Exempt From Fees Per Government Code § 27383

NOTICE OF VIOLATION

Date: _____

Owner's Name: _____

Address: _____, Rio Dell, CA. 95562

Assessor Parcel Number: XXX-XXX-XXX

1. Conditions Which Constitute a Violation and/or Nuisance: The property condition is considered "Blight" pursuant to Chapter 8.10 of the Rio Dell Municipal Code (RDMC). Pursuant to Section 8.10.030 "Nuisances" of the RDMC, Blight is considered a Public Nuisance. Below are the definitions of "Blight" and "Nuisances" pursuant to Sections 8.10.020(A) and 8.10.030 *et. seq.* of the RDMC:

(A) Blight (§ 8.10.020(A)). For purposes of this Code, visual blight is any unreasonable, non permitted or unlawful condition or use of real property, Premises or of building exteriors which by reason of its appearance as viewed from the public right-of-way, ***is detrimental to the property of others or to the value of property of others, offensive to the senses, or reduces the aesthetic appearance of the neighborhood. Visual blight includes, but is not limited to, the keeping, storing, depositing, scattering over or accumulation on the Premises any of the following:***

- (1) Lumber, junk, trash, debris, scrap metal, rubbish, packing materials, building materials.
- (2) Abandoned, discarded or unused objects or equipment such as furniture, stoves, appliances, refrigerators, freezers, cans or containers, automotive parts and equipment.
- (3) Abandoned, wrecked, disabled, dismantled or inoperative vehicles or parts thereof except inoperative vehicles that are not abandoned and are in an active state of renovation or restoration. For purposes of this article, "active state of renovation or restoration" means that the vehicle is actively being restored or renovated in a manner intended to make the vehicle operational, and shall not include restoration or renovation that solely improves the interior or exterior appearance, but not the operation, of the vehicle. A vehicle shall only be permitted to be

in an active state of renovation or restoration for a period that shall not exceed ninety days, whether consecutive or non-consecutive, out of any twelve month period.

(4) Stagnant water or excavations.

(5) Any personal property, object, device, decoration, design, fence, structure, clothesline, landscaping or vegetation which is unsightly by reason of its condition or its inappropriate location.

(6) Vehicles parked on any surface other than an "improved surface" or "driveway" as those terms are defined.

(7) Any condition of a building or structure deemed to be unsafe or that in the discretion of the City Manager or his/her designee, or the Department Head, would constitute a threat to public safety, health, or welfare, or poses a security problem by reason of dilapidation, fire hazard, disaster, damage or other similar occurrence specified in this Code or any other applicable law.

(8) Any condition of a building or portion thereof which constitutes a substandard building, as defined in Health and Safety Code Section 17920.3 or its successor.

(9) Filling of any swimming pool with water prior to the final safety inspection required by the California Code of Regulations, conducted by City inspectors and before such final inspection has been noted on the permit card obtained from the City.

(B) Nuisances (§ 8.10.030). It is hereby declared unlawful and a public nuisance per se for any person owning, leasing, occupying and/or having charge or possession of any Premises or land in this City to permit, allow, or maintain such Premises or land such that any one or more of the following conditions or activities exist:

(1) Any condition recognized in law or equity as constituting a public nuisance including, without limitation, any condition on or use of property which would constitute a nuisance as defined in California Penal Code §§ 370, 371 and/or 11225;

(2) Any dangerous, unsightly, or blighted condition that is detrimental to the health, safety or welfare of the public;

- (3) Any condition that is in violation of any duly enacted ordinance of the Rio Dell Municipal Code, or resolution or lawful order promulgated by authorized City officials;
- (4) Any condition in violation of Chapters 8, 15, and 17 of the Rio Dell Municipal Code, including any condition in violation of any written design finding, including design standard, design guideline, or development standard that may be adopted by resolution or ordinance from time to time by the City Council or the planning commission, or any condition imposed on any entitlement, permit, contract, or environmental document issued or approved by the City;
- (5) Any condition in violation of Chapter 8.25 of this Rio Dell Municipal Code entitled "Premises Used for Drug Related Activity."
- (6) Anything defined as a nuisance pursuant to state and federal law including but not limited to California Civil Code Section 3479 et seq.;
- (7) Any condition in violation of the weed and rubbish abatement laws defined at Government Code Sections 39501 et seq. and 39560 et seq. as enacted or hereafter amended and enforced by City ordinance and resolutions;
- (8) Any vacant, unoccupied or abandoned building or structure that is not reasonably secured against uninvited entry or that constitutes a fire hazard, or is in a state of unsightly or dangerous condition so as to constitute a blighted condition detrimental to property values in the neighborhood or otherwise detrimental to the health, safety and welfare of the public;
- (9) Any condition that constitutes an attractive nuisance; those objects or conditions that, by their nature may attract children or other curious individuals including, but not limited to, unprotected hazardous or unfilled pools, ponds, including pools or ponds that have not been properly barricaded, ice boxes, refrigerators or excavations;
- (10) Any condition that constitutes a visual Blight.

2. Administrative Civil, Criminal and Monetary Penalties: If the person, corporation or entity fails to abate the violation and/or nuisance within the specified time on this Notice and Order they shall be subject to any and all of the following:

- (1) Such person shall be subject to summary or administrative abatement of the nuisance by the City, and be subject to fines, civil penalties, fees and costs, including reasonable attorney fees

imposed by the City pursuant to the summary or administrative abatement procedures contained in the City Code or any other provisions of law;

(2) Such person shall be guilty of a misdemeanor for each day such violation continues, and upon conviction thereof, shall be punished for each violation by a fine not to exceed **one thousand dollars**, or by imprisonment of not longer than six months, or both for each violation;

(3) Such person shall be prosecuted in a civil action, criminal action, or both brought by the City. The City Attorney or other authorized legal representative may bring an action in a court of competent jurisdiction to enjoin or prosecute any nuisance violation of this chapter, or violation of any other ordinance of the City;

(4) Each and every day that any such violation continues to exist shall constitute a continuing and separate offense.

3. Date Which Violation and/or Nuisance Must be Abated: The Violation and/or Nuisance must be abated within ☐ 10 ☐ 20 ☐ 30 calendar days from the date of this Notice of Violation. It is your responsibility to contact the City once the Violation and/or Nuisance has been abated.

4. Contact Information: If you have any questions regarding this Notice of Violation or if you believe:

(1) The premises should not be declared to be a public nuisance and abated; and/or

(2) Penalties should not be assessed; and/or

(3) The costs of such abatement should not become a charge and lien against the premises;

please contact Kevin Caldwell, Community Development Director at (707) 764-3532 or by email at kcaldwell@riodelcity.com, or Police Chief Graham Hill at (707) 764-5641 or by email at hill@riodelcity.com.

Recording Requested By & For Benefit Of:

City of Rio Dell
675 Wildwood Avenue
Rio Dell, CA. 95562

Return To:

City of Rio Dell
675 Wildwood Avenue
Rio Dell, CA. 95562

Exempt From Fees Per Government Code § 27383

NOTICE AND ORDER TO ABATE PUBLIC NUISANCE

Date: _____

Owner's Name: _____

Address: _____, Rio Dell, CA. 95562

Assessor Parcel Number: XXX-XXX-XXX

1. Conditions Which Constitute a Violation and/or Nuisance: The property condition is considered "Blight" pursuant to Chapter 8.10 of the Rio Dell Municipal Code (RDMC). Pursuant to Section 8.10.030 "Nuisances" of the RDMC, Blight is considered a Public Nuisance. Below are the definitions of "Blight" and "Nuisances" pursuant to Sections 8.10.020(A) and 8.10.030 *et. seq.* of the RDMC:

(A) Blight (§ 8.10.020(A)). For purposes of this Code, visual blight is any unreasonable, non permitted or unlawful condition or use of real property, Premises or of building exteriors which by reason of its appearance as viewed from the public right-of-way, ***is detrimental to the property of others or to the value of property of others, offensive to the senses, or reduces the aesthetic appearance of the neighborhood. Visual blight includes, but is not limited to, the keeping, storing, depositing, scattering over or accumulation on the Premises any of the following:***

- (1) Lumber, junk, trash, debris, scrap metal, rubbish, packing materials, building materials.
- (2) Abandoned, discarded or unused objects or equipment such as furniture, stoves, appliances, refrigerators, freezers, cans or containers, automotive parts and equipment.
- (3) Abandoned, wrecked, disabled, dismantled or inoperative vehicles or parts thereof except inoperative vehicles that are not abandoned and are in an active state of renovation or restoration. For purposes of this article, "active state of renovation or restoration" means that the vehicle is actively being restored or renovated in a manner intended to make the vehicle operational, and shall not include restoration or renovation that solely improves the interior or exterior appearance, but not the operation, of the vehicle. A vehicle shall only be permitted to be

in an active state of renovation or restoration for a period that shall not exceed ninety days, whether consecutive or non-consecutive, out of any twelve month period.

(4) Stagnant water or excavations.

(5) Any personal property, object, device, decoration, design, fence, structure, clothesline, landscaping or vegetation which is unsightly by reason of its condition or its inappropriate location.

(6) Vehicles parked on any surface other than an "improved surface" or "driveway" as those terms are defined.

(7) Any condition of a building or structure deemed to be unsafe or that in the discretion of the City Manager or his/her designee, or the Department Head, would constitute a threat to public safety, health, or welfare, or poses a security problem by reason of dilapidation, fire hazard, disaster, damage or other similar occurrence specified in this Code or any other applicable law.

(8) Any condition of a building or portion thereof which constitutes a substandard building, as defined in Health and Safety Code Section 17920.3 or its successor.

(9) Filling of any swimming pool with water prior to the final safety inspection required by the California Code of Regulations, conducted by City inspectors and before such final inspection has been noted on the permit card obtained from the City.

(B) Nuisances (§ 8.10.030). It is hereby declared unlawful and a public nuisance per se for any person owning, leasing, occupying and/or having charge or possession of any Premises or land in this City to permit, allow, or maintain such Premises or land such that any one or more of the following conditions or activities exist:

(1) Any condition recognized in law or equity as constituting a public nuisance including, without limitation, any condition on or use of property which would constitute a nuisance as defined in California Penal Code §§ 370, 371 and/or 11225;

(2) Any dangerous, unsightly, or blighted condition that is detrimental to the health, safety or welfare of the public;

- (3) Any condition that is in violation of any duly enacted ordinance of the Rio Dell Municipal Code, or resolution or lawful order promulgated by authorized City officials;
- (4) Any condition in violation of Chapters 8, 15, and 17 of the Rio Dell Municipal Code, including any condition in violation of any written design finding, including design standard, design guideline, or development standard that may be adopted by resolution or ordinance from time to time by the City Council or the planning commission, or any condition imposed on any entitlement, permit, contract, or environmental document issued or approved by the City;
- (5) Any condition in violation of Chapter 8.25 of this Rio Dell Municipal Code entitled "Premises Used for Drug Related Activity."
- (6) Anything defined as a nuisance pursuant to state and federal law including but not limited to California Civil Code Section 3479 et seq.;
- (7) Any condition in violation of the weed and rubbish abatement laws defined at Government Code Sections 39501 et seq. and 39560 et seq. as enacted or hereafter amended and enforced by City ordinance and resolutions;
- (8) Any vacant, unoccupied or abandoned building or structure that is not reasonably secured against uninvited entry or that constitutes a fire hazard, or is in a state of unsightly or dangerous condition so as to constitute a blighted condition detrimental to property values in the neighborhood or otherwise detrimental to the health, safety and welfare of the public;
- (9) Any condition that constitutes an attractive nuisance; those objects or conditions that, by their nature may attract children or other curious individuals including, but not limited to, unprotected hazardous or unfilled pools, ponds, including pools or ponds that have not been properly barricaded, ice boxes, refrigerators or excavations;
- (10) Any condition that constitutes a visual Blight.

2. Date Which Violation and/or Nuisance Must be Abated: The Violation and/or Nuisance must be abated within ☐ 10 ☐ 20 ☐ 30 calendar days from the date of this Notice and Order.

3. Right to Appeal Notice and Order to Abate Violation and/or Nuisance: You have the right to appeal the Violation and/or Nuisance Determination within ten (10) calendar days from the date of this

Notice and Order, and on a form available from the City of Rio Dell. You must provide a written statement requesting a hearing and providing a factual and specific explanation of:

Why the Premises should not be declared to be a public nuisance and abated; and

Why the costs of such abatement should not become a special assessment lien against the Premises;

4. Payment of Appeal Fee: Any person, corporation, or entity seeking to appeal a Notice and Order shall be required to pay to the City, at the time the appeal is requested, a nonrefundable appeal fee of **\$125.00**. The appeal fee is intended to cover the costs, expenses, and City employees' time incurred by the City in processing, preparing for, and hearing of the appeal. No appeal request is valid unless accompanied by the appeal fee or a City hardship waiver is granted.

Hardship Waiver. If the appealing party establishes to the satisfaction of the City Manager or designee, by means of tax returns, pay stubs or other similar documentary evidence, and submits a declaration under penalty of perjury that paying the appeal fee would cause undue financial hardship to the appealing party the City Manager may grant a waiver of the appeal fee. The City Manager's determination is not appealable and shall be final as to the hardship waiver request.

5. Failure to Abate the Violation and/or Nuisance or File an Appeal: If the person, corporation or entity fails to abate the violation and nuisance or fails to file within ten calendar days, a request for an appeal hearing, the Notice and Order shall be final and not subject to judicial review, and all persons served with such notice shall be deemed to have consented to the abatement of the violation and/or nuisance and that, at the election of the City, the City will abate the violation and/or nuisance and the costs of such abatement may be charged against the Premises and may be recorded as a special assessment lien against the Premises.

6. Administrative Civil, Criminal and Monetary Penalties: If the person, corporation or entity fails to abate the violation and/or nuisance within the specified time on this Notice and Order they shall be subject to any and all of the following:

(1) Such person shall be subject to summary or administrative abatement of the nuisance by the City, and be subject to fines, civil penalties, fees and costs, including reasonable attorney fees imposed by the City pursuant to the summary or administrative abatement procedures contained in the City Code or any other provisions of law;

(2) Such person shall be guilty of a misdemeanor for each day such violation continues, and upon conviction thereof, shall be punished for each violation by a fine not to exceed **one thousand dollars**, or by imprisonment of not longer than six months, or both for each violation;

(3) Such person shall be prosecuted in a civil action, criminal action, or both brought by the City. The City Attorney or other authorized legal representative may bring an action in a court of competent jurisdiction to enjoin or prosecute any nuisance violation of this chapter, or violation of any other ordinance of the City;

(4) Each and every day that any such violation continues to exist shall constitute a continuing and separate offense.

7. Failure to Obey Order – Abatement by City: If, after any Notice of Violation, Notice and Order to Abate or any order of a Hearing Committee made pursuant to Chapter 8.10 of the Rio Dell Municipal Code has become final, the person to whom such order is directed shall fail, neglect or refuse to obey such order, the City is authorized and directed to cause the nuisance to be abated by City personnel or private contract. In furtherance of this section, the City shall obtain a warrant, if required, and thereafter is expressly authorized to enter upon the Premises for the purpose of abating the nuisance.

Additionally, any person who fails to obey such order shall be guilty of a misdemeanor punishable as specified in Section 8.10.070(a)(2) of the Rio Dell Municipal Code.

8. Costs of Abatement: The City shall keep an account of the costs and expenses of abating such nuisance, and the City shall render a statement of such costs to the person or persons receiving the Notice and Order to Abate.

Such person or persons receiving the Notice of Violation or decision of the hearing officer shall be liable to the City for any and all costs and expenses to the City involved in abating the nuisance. Such costs and expenses are due upon receipt of the statement referenced above.

Costs and expenses as referred to in this section shall include all costs allowed to be recovered by law, including attorneys' fees as allowed by Government Code Section 38773.5 or its successor.

9. Procedure for Assessing Costs: If the person liable to pay the costs of abatement fails to do so within thirty (30) calendar days of receiving the statement of such costs, the City may initiate proceedings to have such costs assessed against the real property or Premises on which the City abated the nuisance. Such proceedings and notice of such proceedings shall be performed in accordance with

Section 54954.6 of the California Government Code. The costs of abatement shall be treated as a new assessment for purposes of Section 54954.6. No majority protest rights exist for this assessment. City staff shall present to the City Council a report of costs for abating the nuisance at the public meeting required by Section 54954.6.

10. Assessment of Costs—Special Assessment Lien Against Property. The total cost for abating a nuisance shall constitute a special assessment against the Premises to which it relates, and upon recordation in the office of the county recorder of a notice of lien, shall constitute a lien on the property for the amount of such assessment. The procedure for collecting abatement costs through a special assessment lien shall be in accordance with California Government Code Section 38773.5.

After such recordation, a copy of the lien shall be turned over to the county assessor, who shall then enter the amount of the lien on the assessment rolls as a special assessment. Thereafter, said amount shall be collected at the same time and in the same manner as ordinary municipal taxes are collected, and shall be subject to the same penalties and the same procedure under foreclosure and sale in case of delinquency as provided by Government Code Section 38773.5 and as provided for ordinary municipal taxes.

11. Contact Information: If you have any questions regarding this Notice and Order, please contact Kevin Caldwell, Community Development Director at (707) 764-3532 or by email at kcaldwell@riodellicity.com, or Police Chief Graham Hill at (707) 764-5641 or by email at hill@riodellicity.com.

Recording Requested By & For Benefit Of:
<Property Owner(s)>

Return To:
City of Rio Dell
675 Wildwood Avenue
Rio Dell, CA. 95562

**NOTICE OF RELEASE OF A
NOTICE AND ORDER TO ABATE A PUBLIC NUISANCE**

Date: _____

Owner's Name: _____

Address: _____, Rio Dell, CA. 95562

Assessor Parcel Number: XXX-XXX-XXX

On <Date Notice was Recorded>, a Notice and Order to Abate Public Nuisance was filed in the Office of the Humboldt County Recorder, bearing Recorder's Number <_____, pursuant to Chapter 8.10 of the Rio Dell Municipal Code, regarding conditions constituting a violation and/or nuisance on or about the real property described above.

NOTICE IS HEREBY GIVEN that the undersigned does now release said Notice and Order to Abate Public Nuisance in connection with the subject property.

City of Rio Dell, Community Development Department

By: _____
Kevin Caldwell, Community Development Director

State of California
County of Humboldt

On _____ before me, Joanne Farley, personally appeared Kevin Caldwell, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



Public Notice
City of Rio Dell City Council
SUMMARY FOR POSTING AFTER ADOPTION OF ORDINANCE

(The summary shall be published or posted within 15 calendar days after the adoption of the ordinance)

Summary

On **Tuesday, December 17, 2013 at 6:30 p.m.**, the Rio Dell City Council held a public hearing in the City Council Chamber at City Hall to approve and adopt **Ordinance No. 311-2013 amending the existing Nuisance Regulations, Chapter 8.10 of the Rio Dell Municipal Code and approving and adopting new Nuisance Regulations. The Nuisance Regulations defines nuisances and the process for enforcing the regulations.**

Section 36933(a) of the California Government Code requires that the City Clerk, to post a summary of the Ordinance within 15 days of adoption with the names of those City Council members voting for or against, or otherwise voting in at least three (3) public places and to post in the office of the City Clerk a certified copy of the full text of the adopted Ordinance. Said Ordinance was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell, held on the December 17, 2013 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

A certified copy of the full text of the Ordinance is posted in the office of the City Clerk at 675 Wildwood Avenue in Rio Dell. General questions regarding the Ordinance and the process should be directed to Kevin Caldwell, Community Development Director, (707) 764-3532 or Graham Hill, Police Chief, (707) 764-5641.

CITY OF RIO DELL CHECK REGISTER

General Checking - US Bank of California

Check	Date	Vendor	Description	Check / Payment
0001938	9/04/2013	[2261] CALIFORNIA STATE DISB UNIT	GARNISHMENT PAYMENT FOR CASE #2000000118352	102.11
0001939	9/04/2013	[2303] COAST CENTRAL CREDIT UNION	POA DUES FOR PPE 8/23/2013	120.00
0001940	9/04/2013	[2366] EEL RIVER DISPOSAL	GARBAGE BAGS FOR AUGUST 2013	756.55
0001941	9/04/2013	[2502] KEMP INSPECTION SERVICE	KEMP INSPECTION SERVICES FOR AUGUST 2013	678.63
0001942	9/04/2013	[2481] VANTAGEPOINT TRANSFER AGENTS-304361	RETIREMENT FOR PPE 8/23/2013	4,695.28
0001943	9/05/2013	[3604] STEPHANIE N. BEAUCHAINE	MILEAGE & PER DIEM FOR FISCAL DIRECTOR TO ATT	590.40
0001944	9/05/2013	[1134] JACK THOMPSON	MILEAGE REIMBURSEMENT FOR JUNE - JULY 2013 - J	230.52
0001945	9/05/2013	[2787] WYCKOFF'S	SEWER REPAIRS TO 56 NORTH PACIFIC AVENUE	1,378.00
0001946	9/06/2013	[2224] AQUA BEN CORPORATION	HYDROFLOC 55 GAL. DRUM	803.03
0001947	9/06/2013	[4491] CODE PUBLISHING, INC	RIO DELL MUNICIPAL CODE SUPPLEMENT UPDATE	1,506.00
0001948	9/06/2013	[2393] FASTENAL COMPANY	TOOL COMBO KIT, 4PC TOOL KIT, METAL SAW KIT	997.50
0001949	9/06/2013	[5241] GE CAPITAL	XEROX COPIER RENTAL PAYMENT FOR SEPTEMBER 201	120.54
0001950	9/06/2013	[2501] HAJOCA CORPORATION	80 PVC FEMALE ADAPTER, 80 PVC PLUG	189.22
0001951	9/06/2013	[5158] KURT HIRTZER INSPECTION SERVICES	INSPECTION / CONSTRUCTION MANAGEMENT SERVICES	18,000.00
0001952	9/06/2013	[2616] PIERSON BUILDING CENTER	CEILING PANELS FOR CITY HALL	226.68
0001953	9/06/2013	[2742] SCOTIA TRUE VALUE HARDWARE	WASP KILLER SPRAY	6.42
0001954	9/06/2013	[5294] DANIEL SMITH	PW CLOTHING ALLOWANCE REIMBURSEMENT FOR COLOR	75.00
0001955	9/06/2013	[2710] STARPAGE	PAGER SERVICES FOR SEPTEMBER 2013	12.95
0001956	9/06/2013	[2319] SUDDENLINK COMMUNICATIONS	MONTHLY BROADBAND SERVICES FOR SEPTEMBER 2013	243.16
0001957	9/06/2013	[2747] UNITED RENTALS, INC.	BLADE, DI GP DRY/WET 14X.125	341.91
0001958	9/06/2013	[2787] WYCKOFF'S	PVC GLUE FOR WATER PIPES	37.78
0001959	9/12/2013	[0576] 101 AUTO PARTS	LIGHTBULBS	175.10
			BRAKE FLUID	
			CHEMICALS	
			TAPE	
			TERMINATOR TAR, STONER GLASS, T-WAX CAR WASH,	
0001960	9/12/2013	[5442] CALIFORNIA HEATING	INSTALL 6 ALUMINUM GUTTERS	1,565.00
0001961	9/12/2013	[5435] CH2MHILL	PROFESSIONAL SERVICES RELATED TO THE CITY INF	11,495.00
0001962	9/12/2013	[2293] CITY OF FORTUNA	POLICE DISPATCH SERVICES FOR SEPTEMBER 2013	1,542.00
0001963	9/12/2013	[3782] EUREKA-HUMBOLDT FIRE EXTINGUISHER CO., INC	JUST RECEIVED- BOTTLE RENTAL FOR APRIL - AUGU	89.44
0001964	9/12/2013	[5241] GE CAPITAL	XEROX COPIER RENTAL PAYMENT FOR SEPTEMBER 201	475.49
0001965	9/12/2013	[5052] GHD	SMITHER FINAL MAP - PLAN REVIEW RIO DELL CITY ENGINEER SERVICES AND SUPPLIES RIO DELL WATER INFILTRATION GALLERY	1,923.67

CITY OF RIO DELL CHECK REGISTER

General Checking - US Bank of California

Check	Date	Vendor	Description	Check / Payment
0001966	9/12/2013	[3978] GRAFIX SHOPPE	2 RELECTIVE MARKING KITS FOR WHITE 2013 FORD	840.06
0001967	9/12/2013	[2501] HAJOCA CORPORATION	5X20 PVC PIPE, 5 SLIP PVC VANSTONE, 6 SLIP WATER INVENTORY PARTS	447.15
0001968	9/12/2013	[2228] HUMBOLDT COUNTY ASSESSOR	RETURNED INVOICE # S007381734.001 FOR WATER I	
0001969	9/12/2013	[5441] JC CONTRACTING	BODY CEMENT, CPVC PRIMER	10.60
0001971	9/12/2013	[4903] MARIA KNAPEK	MAP BOOKS: 52 & 53	10,250.00
0001972	9/12/2013	[3478] MATTHEWS PAINTS	PAINTER & MAY STREET CULVERT REPAIR	60.00
0001973	9/12/2013	[2546] MERCER FRASER CO., INC.	REIMBURSEMENT FOR CHECKED BAG	92.75
			PSI HOSE	1,050.65
0001974	9/12/2013	[4908] MITCHELL BRISSE DELANEY & VRIEZE	ASPHALT CONCRETE	
			EMULSION OIL	2,165.07
0001975	9/12/2013	[2410] NORTH COAST CLEANING SERVICES, INC.	PROFESSIONAL SERVICES FOR AUGUST 2013	
0001976	9/12/2013	[2569] NORTH COAST LABORATORIES, INC.	PROFESSIONAL SERVICES FOR AUGUST 2013	
0001977	9/12/2013	[5101] NORTH VALLEY LABOR COMPLIANCE SERVICES	PROFESSIONAL SERVICES FOR AUGUST 2013	471.00
0001978	9/12/2013	[4393] NYLEX.NET	MONTHLY CLEANING SERVICE FOR AUGUST 2013	35.00
			TESTING - COLIFORM QUANTI-TRAY	900.00
			WWTP LABOR COMPLIANCE SERVICE FOR JULY 2013	
			MANAGED SECURITY GATEWAY STANDARD PACKAGE, AN	1,636.00
			CHECK ALL CLIENTS ARE MAPPING TO NEW SERVER,	
			WORK WITH CRIMESTAR TO GET APPLICATION ON CHI	
0001979	9/12/2013	[4338] QUILL CORPORATION	TAPE, PENCILS, 3 BINDERS	94.36
0001980	9/12/2013	[2659] RIO DELL PETTY CASH	CWEA 2013 FALL CONFERENCE FOR WASTE WATER SUP	20.00
0001981	9/12/2013	[2742] SCOTIA TRUE VALUE HARDWARE	PAINT REMOVER, BAG OF RAGS	103.50
			PVC COMP COUPLING	
			3PC WOOD CHISEL SET	
			RUBBER GDN HOSE, TALL FESCUE SEED	
0001982	9/12/2013	[4525] SHERLOCK RECORDS MGMT	STORAGE SERVICES FOR SEPTEMBER 2013 AND BOXES	118.60
0001983	9/12/2013	[2267] STATE OF CALIFORNIA DEPT OF TRANSPORTATION	DRINKING WATER OPERATOR #38903 CERTIFICATION	60.00
0001984	9/12/2013	[4662] JAMES R STRETCH	PER DIEM FOR 2013 ANNUAL L.D.C.C. CONFERENCE	62.00
0001985	9/12/2013	[4450] TERMINIX	PEST CONTROL SERVICES @ 475 HILLTOP DR.	47.00
0001986	9/12/2013	[2750] USA BLUEBOOK	SEWER MAINTENANCE	393.65
			SEWER MAINTENANCE	
0001987	9/12/2013	[5108] WAHLUND CONSTRUCTION INC.	PAY REQUEST NO. 18 PER CONTRACT	53,366.83

CITY OF RIO DELL CHECK REGISTER

General Checking - US Bank of California

Check	Date	Vendor	Description	Check / Payment
0001988	9/12/2013	[2772] WENDT CONSTRUCTION, INC	REPAIR HYDRANT SPRING AND OGLE DRAINAGE PROJECT SEWER REPAIRS, 32.52 TONS BASE DELIVERED, HAU	9,510.40
0001989	9/16/2013	[2247] ANTHEM BLUE CROSS	HEALTH INSURANCE FOR OCTOBER 2013	15,682.00
0001990	9/16/2013	[3975] AT&T - 5709	PHONE EXPENSES FOR AUGUST 2013	451.65
0001991	9/16/2013	[2237] BANK OF AMERICA BUSINESS CARD	SOLANO PRESS BOOKS INC: PUBLICATION- EXACTIONS	3,317.98
0001992	9/16/2013	[3604] STEPHANIE N. BEAUCHAINE	TRAVELOCITY HOTEL RESERVATION: LODGING FOR SC APPLESTORE#R070: NEW APPLE IPAD FOR F.D. TRAVELOCITY.COM: FLIGHT FEE FOR ACCOUNTANT MILEAGE REIMBURSEMENT MILEAGE & PER DIEM FOR F.D.TO ATTEND ASCE PRO	409.61
0001993	9/16/2013	[1950] BRIAN C DAVIS DBA BRIAN'S AUTO REPAIR,	REPLACE WATER PUMP ON F-350	509.03
0001994	9/16/2013	[3355] CALIFORNIA DEPT. OF PUBLIC HEALTH	DRINKING WATER OPERATOR # 38903 CERTIFICATION	60.00
0001995	9/16/2013	[2261] CALIFORNIA STATE DISB UNIT	GARNISHMENT PAYMENT CASE #200000001183524 FOR	102.11
0001996	9/16/2013	[2303] COAST CENTRAL CREDIT UNION	POA DUES FOR PPE 9/6/2013	120.00
0001997	9/16/2013	[5127] DELTA DENTAL	DENTAL INSURANCE FOR OCTOBER 2013	1,899.39
0001998	9/16/2013	[2340] DEPARTMENT OF JUSTICE ACCOUNTING OFFICE	BLOOD ALCOHOL ANALYSIS FOR AUGUST 2013	105.00
0001999	9/16/2013	[2383] EUREKA OXYGEN CO.	GAS REFILL	961.23
0002000	9/16/2013	[2385] EUREKA READYMIX	ANNUAL LEASE RENEWAL FOR CYLINDERS	47.93
0002001	9/16/2013	[2437] HACH	PU BASE	175.88
0002002	9/16/2013	[5447] KELLEY-O'HERN ASSOCIATES	WATER PLANT CHEMICALS RESEARCH MONUMENT ROAD WATER SERVICE AREA	1,045.00
0002003	9/16/2013	[5445] LOUCKS & GLASSLEY, PLLP	ACCOUNTING SERVICES FOR 2013 YEAREND	4,800.00
0002004	9/16/2013	[2569] NORTH COAST LABORATORIES, INC.	TESTING AMMONIA NITROGEN WITHOUT DISTILLATION	140.00
0002005	9/16/2013	[2603] PG&E	UTILITY EXPENSES FOR AUGUST 2013	15,326.11
0002006	9/16/2013	[3343] PITNEY BOWES RESERVE ACCOUNT	POSTAGE PURCHASE FOR RESERVE	400.00
0002007	9/16/2013	[2742] SCOTIA TRUE VALUE HARDWARE	GROUND ADAPTER, BASE ADAPTER, VOLTAGE SENSOR	60.09
0002008	9/16/2013	[2694] SHELL OIL CO.	LIGHT BULBS PD FUEL EXPENSES FOR SEPTEMBER 2013 PW FUEL EXPENSES FOR SEPTEMBER 2013	2,866.02
0002009	9/16/2013	[4570] SHRED TEC	PD FUEL EXPENSES FOR AUGUST 2013 SHREDDING	115.00

CITY OF RIO DELLL CHECK REGISTER

General Checking - US Bank of California

Check	Date	Vendor	Description	Check / Payment
0002010	9/16/2013	[3644] CORY J CACREN DBA TAYLOR MADE FENCING,	INSTALLATION OF APPROXIMATELY 150' of 6" TAL	2,695.00
0002011	9/16/2013	[4450] TERMINIX	LIQUID DEFEND SYSTEM: ANNUAL RENEWAL:	290.00
0002012	9/16/2013	[2481] VANTAGEPOINT TRANSFER AGENTS-304361	11/01/12	
0002013	9/16/2013	[2779] WILDWOOD SAW	RETIREMENT FOR PPE 9/6/2013	4,695.28
0002014	9/23/2013	[4295] AMBROSINI & SONS ELECTRIC, INC	REPAIR BEARCAT, REPLACE AIR FILTER, NEEDLE SE	112.99
0002015	9/23/2013	[5308] BARTLE WELLS ASSOCIATES	RECONNECT OUTSIDE PARKING LOT LIGHTS	105.00
			FOR PROFESSIONAL SERVICES RENDERED FROM	700.00
			AUGUS	
0002016	9/23/2013	[1950] BRIAN C DAVIS DBA BRIAN'S AUTO REPAIR,	REPLACE IAC VALVE AND PVC VALVE ON F350	190.57
0002017	9/23/2013	[4382] DOCUSTATION	MONTHLY MAINTENANCE AND COPY CHARGES FOR	648.93
			SEPT	
0002018	9/23/2013	[2366] EEL RIVER DISPOSAL	DEBRIS & USED MOTOR OIL REMOVAL	27.55
0002019	9/23/2013	[2407] FORBUSCO LUMBER	REPLACE TOILET AT WWTP	202.85
0002020	9/23/2013	[5052] GHD	REPRESENTATION AT TECHNICAL ADVISORY	11,380.75
			COMMITTE	
			RIO DELL SAFE ROUTES TO SCHOOL DESIGN	
0002021	9/23/2013	[4393] NYLEX.NET	INSTALL UNIFI ACCESS POINT, SET UP SCANNING L	288.00
0002022	9/23/2013	[3029] REDWOOD COFFEE SERVICE	COFFEE SERVICES	60.00
0002023	9/23/2013	[2742] SCOTIA TRUE VALUE HARDWARE	SUN/SHADE SEED	30.37
			PAPER DROP CLOTH	
			DUCT TAPE, DROP CLOTH	
0002024	9/23/2013	[5108] WAHLUND CONSTRUCTION INC.	PAY REQUEST NO #17 PER CONTRACT	47,635.65
0002025	9/23/2013	[3738] FRANK WILSON	MILEAGE REIMBURSEMENT	221.48
0002026	9/25/2013	[5434] PG&E CFM/PPC DEPARTMENT	CONTRACT ID# 1162253 INSTALL UNDERGROUND	3,799.93
			SER	
0002027	9/30/2013	[5235] ADVANTAGE FINANCIAL SERVICES	MONTHLY PAYMENT FOR DOCSTAR 3.12 SOFTWARE	148.35
			PAC	
0002028	9/30/2013	[2261] CALIFORNIA STATE DISB UNIT	GARNISHMENT PAYMENT CASE #2000000001183524	102.11
			FOR	
			CUPS	24.66
0002029	9/30/2013	[5330] CAPITAL ONE COMMERCIAL	POA DUES FOR PPE 9/20/2013	120.00
0002030	9/30/2013	[2303] COAST CENTRAL CREDIT UNION	LIFE INSURANCE FOR OCTOBER 2013	252.80
0002031	9/30/2013	[2411] FORT DEARBORN LIFE INSURANCE CO.	RIO DELL DOWNTOWN IMPROVEMENTS	22,887.20
0002032	9/30/2013	[5052] GHD	NEW POLICE VEHICLE: 2014 FORD EXPLORER	28,684.38
0002033	9/30/2013	[4099] HARPER MOTORS	11X17 PAPER	32.23
0002034	9/30/2013	[2452] HORIZON BUSINESS PRODUCTS	LODGING TO ATTEND LEAGUE OF CALIFORNIA	421.90
0002035	9/30/2013	[5446] JOHNSON, GORDON	CITE	
			INSPECTION CITY HALL ROOF	50.00
0002036	9/30/2013	[2502] KEMP INSPECTION SERVICE	CHAIRS FOR COUNCIL OF CHAMBERS	2,890.39
0002037	9/30/2013	[5458] NATIONAL BUSINESS FURNITURE	TESTING - COLIFORM QUANTI-TRAY	50.00
0002038	9/30/2013	[2569] NORTH COAST LABORATORIES, INC.	AA BATTERIES FOR COMPUTER MOUSE, 3V	13.87
0002039	9/30/2013	[2595] PALCO PHARMACY	BATTERY F	
			BILLING FOR AUGUST - SEPTEMBER SERVICES	797.50
0002040	9/30/2013	[2632] PLANWEST PARTNERS, INC		

Check	Date	Vendor	Description	Check / Payment
0002041	9/30/2013	[4338] QUILL CORPORATION	(3) USB FLASH DRIVE ULTRA FINE-POINT MARKERS, 12 RULERS, CASH REG	162.35
0002042	9/30/2013	[2657] RIO DELL EMPLOYEES ASSOC	DUES FOR QTR ENDING 9/30/2013	84.00
0002043	9/30/2013	[2742] SCOTIA TRUE VALUE HARDWARE	3/4" RED BRS COUPLING COUPLING/STOP	31.21
0002044	9/30/2013	[3151] SHN CONSULTING ENGINEERS	CONCRETE MIX PROFESSIONAL SERVICES FOR THE PERIOD ENDING A	599.99
0002045	9/30/2013	[2710] STARPAGE	PAGER SERVICES FOR OCTOBER 2013	12.95
0002046	9/30/2013	[4662] JAMES R STRETCH	MILEAGE, HOTEL REIMBURSEMENT FOR LEAGUE OF CA	560.78
0002047	9/30/2013	[4450] TERMINIX	PEST CONTROL - 675 WILDWOOD PEST CONTROL - 475 HILLTOP DR.	91.00
0002048	9/30/2013	[2481] VANTAGEPOINT TRANSFER AGENTS-304361	RETIREMENT FOR PPE 9/20/2013	4,695.28
0002049	9/30/2013	[5166] VSP-VISION SERVICE PLAN	VISION INSURANCE FOR OCTOBER 2013	354.64
0002050	9/30/2013	[2757] US POSTMASTER	POSTAGE FOR SEPTEMBER 2013 UTILITY BILLING	339.70
Total Checks/Deposits				315,197.67